

Official Journal

of the European Communities

ISSN 0378-6978

L 373

Volume 34

31 December 1991

English edition

Legislation

Contents

I Acts whose publication is obligatory

- ★ Council Regulation (EEC) No 3921/91 of 16 December 1991 laying down the conditions under which non-resident carriers may transport goods or passengers by inland waterway within a Member State 1
- ★ Council Regulation (EEC) No 3922/91 of 16 December 1991 on the harmonization of technical requirements and administrative procedures in the field of civil aviation .. 4
- ★ Council Regulation (EEC) No 3923/91 of 23 December 1991 opening and providing for the administration of Community tariff quotas and ceilings and establishing Community surveillance for certain fish and fishery products originating in the Faroe Islands (1992) 9

II Acts whose publication is not obligatory

Council

91/670/EEC:

- ★ Council Directive of 16 December 1991 on mutual acceptance of personnel licences for the exercise of functions in civil aviation 21

91/671/EEC:

- ★ Council Directive of 16 December 1991 on the approximation of the laws of the Member States relating to compulsory use of safety belts in vehicles of less than 3,5 tonnes 26

91/672/EEC:

- ★ Council Directive of 16 December 1991 on the reciprocal recognition of national boatmasters' certificates for the carriage of goods and passengers by inland waterway 29

91/673/EEC:

- ★ Council Directive of 19 December 1991 amending Directive 69/169/EEC to extend and modify the exceptions granted to Denmark and to Ireland relating to travellers' allowances 33

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 3921/91

of 16 December 1991

laying down the conditions under which non-resident carriers may transport goods or passengers by inland waterway within a Member State

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 75 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas, pursuant to Article 75 (1) (b) of the Treaty, the establishment of a common transport policy entails, *inter alia*, laying down the conditions under which non-resident carriers may operate transport services within a Member State;

Whereas this provision entails the removal of all restrictions against the person providing the services in question on the grounds of his nationality or the fact that he is established in a different Member State from the one in which the service is to be provided;

Whereas, in accordance with the general principles of the Treaty enshrining equality of treatment and with the case-law of the Court of Justice on this matter, non-resident carriers should be allowed to carry out national transport operations under the same conditions as those imposed by the Member State concerned on its own carriers;

Whereas it is necessary to avoid distorting competition and disturbing the organization of the markets in question;

Whereas the laws, regulations and administrative provisions in force in the Member State in which the services are provided, in so far as the application thereof implies restrictions on the freedom to provide services, must be justified by the general interest; whereas such provisions are applicable only in so far as the general interest is not already safeguarded by provisions to which non-resident carriers are subject in the Member State in which they are established and in so far as the same result cannot be obtained by less binding rules;

Whereas provision should be made for a transitional period,

HAS ADOPTED THIS REGULATION:

Article 1

With effect from 1 January 1993, any carrier of goods or passengers by inland waterway shall be permitted to carry out the national transport of goods or persons by inland waterway for hire or reward in a Member State in which he is not established, hereinafter called 'cabotage', provided that:

- he is established in a Member State in accordance with its legislation and, where appropriate,
- he is entitled there to carry out the international transport of goods or persons by inland waterway.

If he fulfils those conditions, he may temporarily carry on cabotage in the Member State concerned without having to set up a registered office or other establishment there.

⁽¹⁾ OJ No C 331, 20. 12. 1985, p. 2.

⁽²⁾ OJ No C 255, 13. 10. 1986, p. 229.

⁽³⁾ OJ No C 328, 22. 12. 1986, p. 34.

Article 2

1. For a carrier to be permitted to carry out cabotage, he may furthermore use for this purpose only vessels whose owner or owners are:

(a) natural persons domiciled in a Member State and who are Member States nationals;

or

(b) legal persons:

(i) which have their registered place of business in a Member State;

and

(ii) the majority holding in which or majority of which belongs to Member State nationals.

2. A Member State may exceptionally provide for derogations from the condition referred to in paragraph 1 (b) (ii). It shall consult the Commission on the determining criteria to be taken into consideration.

3. A certificate issued by the Member State in which the vessel is registered or, if it is not registered, by the Member State in which the owner is established, shall be produced to prove that the carrier complies with the conditions laid down in paragraph 1. This certificate must be kept on board the vessel.

The document certifying that a vessel belongs to Rhine Navigation, provided for in Council Regulation (EEC) No 2919/85 of 17 October 1985 laying down the conditions for access to the arrangements under the Revised Convention for the navigation of the Rhine relating to vessels belonging to the Rhine Navigation⁽¹⁾, shall replace the certificate referred to in the first paragraph.

Article 3

1. The carrying out of cabotage operations shall be subject to the laws, regulations and administrative provisions in force in the host Member State in the following fields, subject to the application of Community rules:

(a) rates and conditions governing transport contracts, and chartering and operating procedures;

(b) technical specifications for vessels.

The technical specifications which must be met by vessels used for carrying out cabotage operations shall be those imposed on vessels authorized to carry out international transport operations;

(c) navigation and police regulations;

(d) navigation time and rest periods;

(e) VAT (value added tax) on transport services.

2. The provisions referred to in paragraph 1 must be applied to non-resident carriers under the same conditions as those which that Member State imposes on its own nationals, in order to effectively prevent any discrimination on grounds of nationality or place of establishment.

3. If it is established that, taking practice into account, it is necessary to adapt the list of fields covered by the provisions of the host Member State as referred to in paragraph 1, the Council shall amend that list acting by a qualified majority on a Commission proposal.

Article 4

Until 1 January 1995, notwithstanding Article 1 and without prejudice to Article 5:

(a) the French Republic may restrict cabotage on its territory to two trips on the direct return journey following on from an international goods or passenger transport operation;

(b) the Federal Republic of Germany may restrict cabotage on its territory to only one trip on the direct return journey following on from an international goods or passenger transport operation;

(c) transport operations between ports situated within the Länder of Brandenburg, Mecklenburg-Western Pomerania, Saxony, Saxony-Anhalt and Thuringia, as well as Berlin, shall be excluded from the scope of this Regulation.

Article 5

Member States shall not introduce any new restrictions applicable to Community carriers on the freedom to provide services which has in fact been attained at the date of entry into force of this Regulation.

Article 6

This Regulation shall not affect the rights existing under the Revised Convention for the navigation of the Rhine (Convention of Mannheim).

Article 7

Member States shall in due course the laws, regulations and administrative provisions necessary to implement this Regulation and shall inform the Commission thereof.

⁽¹⁾ OJ No L 280, 22. 10. 1985, p. 4.

This Regulation shall be binding in its entirety and directly applicable in all member States.

Done at Brussels, 16 December 1991.

For the Council

The President

H. MAIJ-WEGGEN

COUNCIL REGULATION (EEC) No 3922/91

of 16 December 1991

on the harmonization of technical requirements and administrative procedures in the field of
civil aviation

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 ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas, as provided for in Article 8a of the Treaty, measures should be adopted with the aim of progressively establishing the internal market over a period expiring on 31 December 1992; whereas the internal market will comprise an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured;

Whereas a high general level of safety in civil aviation in Europe should be maintained and current technical requirements and administrative procedures in the Member States should be raised to the highest standard currently attained in the Community;

Whereas safety is a key factor in Community air transport; whereas account should be taken of the Convention on International Civil Aviation, signed in Chicago on 7 December 1944, which provides for implementation of the measures necessary to ensure the safe operation of aircraft;

Whereas the current restrictions on the transfer of aircraft and aviation products and of certain services in the field of aviation between Member States would cause distortions in the internal market;

Whereas the Joint Aviation Authorities (JAA), an associated body of the European Civil Aviation Conference (ECAC), have worked out arrangements to cooperate in

the development and implementation of joint aviation requirements (JARs) in all fields relating to the safety of aircraft and their operation;

Whereas, under the common transport policy, technical requirements and administrative procedures relating to the safety of aircraft and their operation should be harmonized on the basis of the JAR codes of the JAA;

Whereas the accession of all Member States to the JAA and the participation of the Commission in its proceedings would facilitate such harmonization;

Whereas, in order to achieve the Community objectives as regards freedom of movement of persons and products and also as regards the common transport policy, Member States should accept the certification of products and of bodies and persons concerned with the design, manufacture, maintenance and operation of products, without further technical work or evaluation, when the product, organization or person has been certificated in accordance with the common technical requirements and administrative procedures;

Whereas safety problems may arise and, in such case, Member States must take all appropriate measures as a matter of urgency; whereas such measures must be duly justified and, where the common technical requirements and administrative procedures present shortcomings, it is for the Commission, exercising its implementing powers, to adopt the necessary amendments;

Whereas it is desirable that funding by the Member States of research to improve aviation safety be coordinated to ensure optimum use of resources and to enable the maximum benefit to be achieved;

Whereas it is appropriate to empower the Commission, assisted by a committee of experts nominated by the Member States, to make the amendments developed by the JAA to the common technical requirements and administrative procedures adopted by the Council,

(1) OJ No C 270, 26. 10. 1990, p. 3.

(2) OJ No C 267, 14. 10. 1991, p. 154.

(3) OJ No C 159, 17. 6. 1991, p. 28.

HAS ADOPTED THIS REGULATION:

Article 1

1. This Regulation shall apply to the harmonization of technical requirements and administrative procedures in the field of civil aviation safety as listed in Annex II, and in particular with respect to:

- the design, manufacture, operation and maintenance of aircraft,
- persons and organizations involved in these tasks.

2. The harmonized technical requirements and administrative procedures referred to in paragraph 1 shall apply to all aircraft operated by operators as defined in Article 2 (a), whether registered in a Member State or in a third country.

Article 2

1. For the purpose of this Regulation:

- (a) 'operator' means a natural person residing in a Member State or a legal person established in a Member State using one or more aircraft in accordance with the regulations applicable in that Member State, or a Community air carrier as defined in Community legislation;
- (b) 'product' means a civil aircraft, engine, propeller or appliance;
- (c) 'appliance' means any instrument, equipment, mechanism, apparatus or accessory used or intended to be used in operating an aircraft in flight, whether installed in, intended to be installed in, or attached to, a civil aircraft, but not forming part of an airframe, engine or propeller;
- (d) 'component' means a material, part or sub-assembly not covered by the definitions in (b) or (c) for use on civil aircraft, engines, propellers or appliances;
- (e) 'certification' (of a product, service, organization or person) means any form of legal recognition that such a product, service, body or person complies with the applicable requirements. Such certification comprises two acts:
 - (i) the act of checking that technically the product, service, organization or person complies with the applicable requirements; this act is referred to as 'making the technical findings';
 - (ii) the act of formal recognition of such compliance with the applicable requirements by the issue of a certificate, licence, approval or other document in

the manner required by national laws and procedures; this act is referred to as 'making the legal findings';

- (f) 'maintenance' means all inspections, servicing, modification and repair throughout the life of an aircraft needed to ensure that the aircraft remains in compliance with the type certification and offers a high level of safety in all circumstances; this shall include in particular modifications imposed by the authorities party to the arrangements referred to in (h) in accordance with airworthiness checking concepts;
- (g) 'national variant' means a national requirement or regulation imposed by a country in addition to or instead of a JAR;
- (h) 'arrangements' means arrangements developed under the auspices of the European Civil Aviation Conference (ECAC) for cooperation in the development and implementation of joint requirements in all fields relating to the safety and safe operation of aircraft. These arrangements are specified in Annex I.

Article 3

Without prejudice to Article 11, the common technical requirements and administrative procedures applicable in the Community with regard to the fields listed in Annex II shall be the relevant codes referred to in that Annex and in force on 1 January 1992.

Article 4

1. With regard to fields not listed in Annex II, the Council shall adopt common technical requirements and administrative procedures on the basis of Article 84 (2) of the Treaty. The Commission shall, where appropriate and as soon as possible, submit suitable proposals in these fields.

2. Pending adoption of the proposals referred to in paragraph 1 member States may apply the relevant provisions of their existing national regulations.

Article 5

Member States shall ensure that their responsible civil aviation authorities meet the conditions for membership of the JAA specified in the arrangements and shall sign such arrangements without reservation before 1 January 1992.

Article 6

1. Member States shall, without further technical requirements or evaluation, recognize products designed,

manufactured, operated and maintained in compliance with the common technical requirements and administrative procedures where such products have been certificated by another Member State. When the original recognition is for a particular purpose, or purposes, any subsequent recognition shall cover the same purpose(s).

2. Existing products and their derivatives which are not certificated in accordance with the common technical requirements and administrative procedure may be accepted by a Member State under their current national regulations pending the adoption of the common technical requirements and administrative procedures applicable to these products pursuant to this Regulation.

Article 7

Member States shall recognize the certification granted pursuant to this Regulation by another Member State or by a body acting on its behalf, to bodies or persons placed under its jurisdiction and under its authority, who are concerned with the design, manufacture and maintenance of products, and the operation of aircraft.

Article 8

1. None of the above provisions shall prevent a Member State from reacting immediately to a safety problem which becomes apparent from an accident, incident or service experience and involves either a product designed, manufactured, operated or maintained in accordance with this Regulation, or a person, procedure or body involved in such tasks. If the safety problem results from:

- an inadequate safety level corresponding to the application of the common technical requirements and administrative procedures, or
- shortcomings in the common technical requirements and administrative procedures,

the Member State shall forthwith inform the Commission and the other Member States of the measures taken and the reasons therefor.

2. In the cases referred to in paragraph 1, the Commission shall consult the Member States at the earliest opportunity. If an inadequate level of safety or a shortcoming in the common technical requirements and administrative procedures is confirmed, the Commission shall make appropriate proposals in accordance with the procedures provided for in Article 4 and/or Article 11.

Article 9

Member States shall take the necessary steps to coordinate their research programmes to improve the safety of civil aircraft and their operation and to inform the Commission

thereof. After consulting the Member States, the Commission may take any relevant initiative to promote such national research programmes.

Article 10

Member States shall notify the Commission of:

- (a) any new or amended requirement or procedure developed or adopted in accordance with procedures laid down in the Arrangements; and
- (b) any modification of the Arrangements; and
- (c) the results of consultations with industry and other interested bodies.

Article 11

1. The Commission, following the procedure laid down in Article 12, shall make the amendments necessitated by scientific and technical progress to the common technical requirements and administrative procedures listed in Annex II or adopted by the Council in accordance with Article 4.

2. Where the amendments referred to in paragraph 1 contain a national variant for a Member State the Commission, following the procedure laid down in Article 12, shall decide whether or not to include that variant in the common technical requirements and administrative procedures.

Article 12

1. For the application of Articles 8, 9 and 11, the Commission shall be assisted by a committee composed of representatives of the Member States and chaired by the Commission representative.

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 representative 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, save where the Council has decided against the said measures by a simple majority.

2. As part of the mutual assistance referred to in paragraph 1 the Member States' competent authorities shall regularly exchange all available information on:

- infringements of this Regulation by non-residents and penalties imposed in respect thereof,
- penalties imposed on its residents by a Member State in respect of such infringements committed in other Member States.

Article 13

1. Member States shall assist one another in implementing this Regulation and in monitoring its implementation.

Article 14

This Regulation shall enter into force on 1 January 1992.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 16 December 1991.

For the Council

The President

H. MAIJ-WEGGEN

ANNEX I**Arrangements referred to in Article 2 (1) (h)**

'Arrangements concerning the Development, the Acceptance and the Implementation of Joint Aviation Requirements (JAR)', concluded in Cyprus on 11 September 1990.

ANNEX II**Lists of codes in force containing the common technical requirements and administrative procedures referred to in Article 3****1. General and procedures**

JAR 1 Definitions and abbreviations

2. Type certification of products and parts

JAR 22 Sailplanes and powered sailplanes

JAR 25 Large aeroplanes

JAR AWO All weather operations

JAR E Engines

JAR P Propellers

JAR APU Auxiliary power units

JAR TSO Technical standards orders

JAR VLA Very light aeroplanes

JAR 145 Approved maintenance organizations

COUNCIL REGULATION (EEC) No 3923/91

of 23 December 1991

opening and providing for the administration of Community tariff quotas and ceilings and establishing Community surveillance for certain fish and fishery products originating in the Faroe Islands (1992)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

reference price set, or to be set, by the Community for the products or categories of products concerned;

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to Council Decision 91/668/EEC of 2 December 1991 concerning the conclusion of the Agreement between the European Economic Community, the Government of Denmark and the Home Government of Faroe Islands (1),

Having regard to the proposal from the Commission,

Whereas Articles 3 and 8 of the abovementioned Decision provide that customs duties applicable to imports into the Community of Ten of certain fish and fishery products listed in Protocol 1 attached to the said Decision will be abolished on 1 January 1992; whereas the abolition is subject to Community tariff quotas and ceilings and, for some of these products, Community statistical surveillance; whereas the said Community tariff quotas and ceilings in respect of products originating in the Faroe Islands should therefore be opened from 1 January 1992 for the volumes indicated respectively in Annexes I and II and Community statistical surveillance should be established in respect of the products listed in Annex III;

Whereas, in the context of these tariff measures, the Kingdom of Spain and the Portuguese Republic will apply customs duties calculated in accordance with Articles 173 (1) and (2) and 360 (1) (b) and (2) respectively of the Act of Accession;

Whereas the preferential rates of duty indicated in Annexes I, II and III apply only where the free-at-frontier price determined by the Member States in accordance with Article 21 of Regulation (EEC) No 3796/81 of 29 December 1981 on the common organization of the market in fishery products (2) is at least equal to the

Whereas equal and continuous access to the quotas in respect of the products listed in Annex I should be ensured for all Community importers and the rates of duty laid down for the quotas should be applied consistently to all imports of the products in question in all Member States until the quotas are exhausted; whereas the necessary steps should be taken to ensure that the tariff quotas are administered efficiently at Community level, enabling the Member States to draw from the quotas the quantities required, corresponding to the actual imports recorded; whereas this method of administering the quotas calls for close cooperation between the Member States and the Commission;

Whereas the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are joined in, and represented by, the Benelux economic union; whereas any operation concerning the administration of the quotas may therefore be carried out by one of its members;

Whereas, in respect of products listed in Annex II and subject to Community tariff ceilings, Community surveillance may be effected by charging imports of these products against the ceilings at Community level as and when the products are presented at customs and declared for free circulation; whereas this method of administering the ceilings should enable customs duties to be restored as soon as the ceilings in question are reached at Community level;

Whereas, this method of administering the ceilings calls for close and speedy cooperation between the Member States and the Commission, which must be able to monitor the level reached by imports charged against the ceilings and inform the Member States accordingly; whereas this cooperation should be close enough to allow the Commission to take the appropriate steps to restore customs duties as soon as one of the ceilings is reached;

Whereas, for the products listed in Annex III, it would seem appropriate to have recourse to the system of

(1) OJ No L 371, 31. 12. 1991, p. 1.

(2) OJ No L 379, 31. 12. 1981, p. 1. Regulation as last amended by Regulation (EEC) No 3468/88 (OJ No L 305, 10. 11. 1988, p. 1).

statistical surveillance administered by the Commission pursuant to the relevant provisions of Regulation (EEC) No 2658/87 ⁽¹⁾ and (EEC) No 1736/75 ⁽²⁾,

the requirements. The Member States shall be informed by the Commission of the quantities drawn.

HAS ADOPTED THIS REGULATION:

Article 4

Article 1

1. From 1 January to 31 December 1992, the customs duty applicable to imports into the Community as constituted on 31 December 1985 of products listed in Annex I and originating in the Faroe Islands shall be suspended at the level indicated in the said Annex and within the limits of the Community tariff quotas specified therein.

2. Within the limits of the tariff quotas, the Kingdom of Spain and the Portuguese Republic shall apply customs duty calculated in accordance with Articles 173 (1) and (2) and 360 (1) (b) and (2) respectively of the Act of Accession.

1. From 1 January to 31 December 1992 imports into the Community as constituted on 31 December 1985 of certain products listed in Annexes II and III and originating in the Faroe Islands shall be subject respectively to import ceilings and Community surveillance.

The description of the products referred to in the first subparagraph, the ceilings and the customs duty applicable are specified in the said Annexes.

2. As part of these tariff measures, the Kingdom of Spain and the Portuguese Republic shall apply duties calculated in accordance with Articles 173 (1) and (2) and 360 (1) (b) and (2) respectively of the Act of Accession.

Article 2

The tariff quotas referred to in Article 1 shall be administered by the Commission, which may take any appropriate administrative measure to ensure efficient operation.

3. Imports shall be charged against the ceilings as and when the products are presented to customs under cover of declarations for free circulation accompanied by a movement certificate complying with the rules laid down in the protocol concerning the definition of the concept of originating products and methods of administrative cooperation, attached to Decision 91/668/EEC.

Article 3

Where an importer enters a product covered by this Regulation for free circulation in a Member State accompanied by a request for preferential treatment and by a movement certificate, and his declaration is accepted by the customs authorities, the Member State concerned shall, by notifying the Commission accordingly, draw a quantity from the quota concerned to satisfy the requirement.

Goods may only be charged against the ceiling where the movement certificate is presented before the date when collection of customs duty is resumed.

Applications for drawings from the quotas shall indicate the date on which the declarations were accepted and shall be sent to the Commission forthwith.

Utilization of ceilings shall be recorded at Community level on the basis of imports charged against them as specified in the first and second subparagraphs.

Drawings shall be granted by the Commission on the basis of the date when the declarations for free circulation were accepted by the customs authorities of the Member State concerned, provided the available balance is sufficient.

Member States shall inform the Commission of any import operation carried out in accordance with the procedure determined above at the intervals and within the deadlines laid down in paragraph 5.

Where a Member State fails to use the quantities drawn it shall return them as soon as possible to the relevant quota.

4. As soon as the ceilings are reached, the Commission may, by adopting a Regulation, resume the collection of the customs duties applicable to third countries until the end of the calendar year.

Where the quantities applied for are in excess of the available balance, allocation shall be made in proportion to

5. Member States shall send the Commission, no later than the 15th of each month, the statements showing the quantities charged during the preceding month.

⁽¹⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽²⁾ OJ No L 183, 14. 7. 1975, p. 3.

6. The statistical surveillance provided for in respect of products specified in Annex III to this Regulation shall be

carried out at Community level on the basis of imports charged as specified in the first subparagraph of paragraph 3 and notified to the Statistical Office of the European Communities pursuant to Regulations (EEC) No 2658/87 and (EEC) No 1736/75.

Article 5

Rates of duty specified in Annexes I, II and III shall apply only where the free-at-frontier price determined by Member States in accordance with the provisions of Regulations (EEC) No 3796/81 and (EEC) No 3468/88 is at least equal to the reference price set or to be set by the

Community in respect of the products or categories of products concerned.

Article 6

The Commission shall adopt all appropriate measures, in close cooperation with the Member States, to apply this Regulation.

Article 7

This Regulation shall enter into force on 1 January 1992.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 23 December 1991.

For the Council

The President

Y. VAN ROOY

ANNEX I

On certain fish and fishery products subject to tariff quotas

Order No	CN code (a)	Description	Rate of duty	Tariff quota (in tonnes)
(1)	(2)	(3)	(4)	(5)
09.0671	0301	Live fish:		700 ⁽¹⁾
		— Other live fish:		
	ex 0301 91 00	— — Trout (<i>Salmo trutta</i> , <i>Salmo gairdneri</i> , <i>Salmo clarki</i> , <i>Salmo aguabonita</i> , <i>Salmo gilae</i>):		
		— Trout (<i>Salmo gairdneri</i>)	0	
	0302	Fish, fresh or chilled, excluding fish fillets and other fish meat of heading No 0304:		
		— Salmonidae, excluding livers and roes:		
	ex 0302 11 00	— — Trout (<i>Salmo trutta</i> , <i>Salmo gairdneri</i> , <i>Salmo clarki</i> , <i>Salmo aguabonita</i> , <i>Salmo gilae</i>):		
		— Trout (<i>Salmo gairdneri</i>)	0	
	0303	Fish, frozen, excluding fish fillets and other fish meat of heading No 0304:		
		— Other salmonidae, excluding livers and roes:		
	ex 0303 21 00	— — Trout (<i>Salmo trutta</i> , <i>Salmo gairdneri</i> , <i>Salmo clarki</i> , <i>Salmo aguabonita</i> , <i>Salmo gilae</i>):		
		— Trout (<i>Salmo gairdneri</i>)	0	
	0304	Fish fillets and other fish meat (whether or not minced), fresh, chilled or frozen:		
		— Fresh or chilled:		
		— — Fillets:		
		— — — Of freshwater fish:		
	ex 0304 10 11	— — — — Of trout (<i>Salmo trutta</i> , <i>Salmo gairdneri</i> , <i>Salmo</i> <i>clarki</i> , <i>Salmo aguabonita</i> , <i>Salmo gilae</i>):		
		— Of trout (<i>Salmo gairdneri</i>)	0	
	0304 20	— Frozen fillets:		
		— — Of freshwater fish:		
	ex 0304 20 11	— — — Of trout (<i>Salmo trutta</i> , <i>Salmo gairdneri</i> , <i>Salmo</i> <i>clarki</i> , <i>Salmo aguabonita</i> , <i>Salmo gilae</i>):		
		— Of trout (<i>Salmo gairdneri</i>)	0	
	0304 90	— Other:		
	ex 0304 90 10	— — Of freshwater fish:		
		— Of trout (<i>Salmo gairdneri</i>)	0	

(a) The Taric codes are set out in Annex IV.

⁽¹⁾ Figures refer to the commercial presentation whole and gutted. For imports falling within HS code 0304, a coefficient of 2 shall be applied for quantities drawn from the respective tariff quota reference ceiling.

Order No	CN code (a)	Description	Rate of duty	Tariff quota (in tonnes)
(1)	(2)	(3)	(4)	(5)
09.0673	0301	Live fish:		4 900 ⁽¹⁾
		— Other live fish:		
	0301 99	— — Other:		
		— — — Freshwater fish:		
	ex 0301 99 11	— — — — Pacific salmon (<i>Oncorhynchus</i> spp.), Atlantic salmon (<i>Salmo salar</i>) and Danube salmon (<i>Hucho hucho</i>):		
		— Atlantic salmon (<i>Salmo salar</i>)	0	
	0302	Fish, fresh or chilled, excluding fish fillets and other fish meat of heading No 0304:		
		— Salmonidae, excluding livers and roes:	0	
	ex 0302 12 00	— — Pacific salmon (<i>Oncorhynchus</i> spp.), Atlantic salmon (<i>Salmo salar</i>) and Danube salmon (<i>Hucho hucho</i>):		
		— Atlantic salmon (<i>Salmo salar</i>)	0	
	0303	Fish, frozen, excluding fish fillets and other fish meat of heading No 0304:		
		— Other salmonidae, excluding livers and roes:		
	ex 0303 22 00	— — Atlantic salmon (<i>Salmo salar</i>) and Danube salmon (<i>Hucho hucho</i>):		
		— Atlantic salmon (<i>Salmo salar</i>)	0	
	0304	Fish fillets and other fish meat (whether or not minced), fresh, chilled or frozen:		
	0304 10	— Fresh or chilled:		
		— — Fillets:		
		— — — Of freshwater fish:		
	ex 0304 10 13	— — — — Of Pacific salmon (<i>Oncorhynchus</i> spp.), Atlantic salmon (<i>Salmo salar</i>) and Danube salmon (<i>Hucho hucho</i>):		
		— Of Atlantic salmon (<i>Salmo salar</i>)	0	
	0304 20	— Frozen fillets:		
		— — Of freshwater fish:		
	ex 0304 20 13	— — — Of Pacific salmon (<i>Oncorhynchus</i> spp.), Atlantic salmon (<i>Salmo salar</i>) and Danube salmon (<i>Hucho hucho</i>):		
		— Of Atlantic salmon (<i>Salmo salar</i>)	0	
	0304 90	— Other:		
	ex 0304 90 10	— — Of freshwater fish:		
		— Of Atlantic salmon (<i>Salmo salar</i>)	0	

(a) The Taric codes are set out in Annex IV.

⁽¹⁾ Figures refer to the commercial presentation whole and gutted. For imports falling within HS code 0304, a coefficient of 2 shall be applied for quantities drawn from the respective tariff quota reference ceiling.

Order No	CN code (a)	Description	Rate of duty	Tariff quota (in tonnes)
(1)	(2)	(3)	(4)	(5)
09.0675	1604	Prepared or preserved fish; caviar and caviar substitutes prepared from fish eggs:		400
		— Fish, whole or in pieces, but not minced:		
	ex 1604 11 00	— — Salmon:		
		— — Atlantic Salmon (<i>Salmo salar</i>)	0	
	1604 19	— — Other:		
	ex 1604 19 10	— — — Salmonidae, other than salmon:		
		— Trout (<i>Salmo gairdneri</i>)	0	
	1604 20	— Other prepared or preserved fish:		
	ex 1604 20 10	— — Of salmon:		
		— Of Atlantic salmon (<i>Salmo salar</i>)	0	
	ex 1604 20 30	— — Of salmonidae, other than salmon		
		— Of trout (<i>Salmo gairdneri</i>)	0	
09.0677	1604	Prepared or preserved fish; caviar and caviar substitutes prepared from fish eggs:		2 000
		— Fish, whole or in pieces, but not minced:		
		— — Herrings:		
	1604 12			
	1604 12 10	— — — Fillets, raw, merely coated with batter or breadcrumbs, whether or not pre-fried in oil, deep frozen	0	
	1604 15	— — Mackerel:		
	ex 1604 15 10	— — — Of the species <i>Scomber scombrus</i> and <i>Scomber japonicus</i> :		
		— Of <i>Scomber scombrus</i>	0	
	1604 19	— — Other:		
		— — — Other:		
	ex 1604 19 91	— — — — Fillets, raw, merely coated with batter or breadcrumbs, whether or not pre-fried in oil, deep frozen	0	
	1604 19 99	— — — — Other	0	
	1604 20	— Other prepared or preserved fish:		
	ex 1604 20 50	— — Of sardines, bonito, mackerel of the species <i>Scomber scombrus</i> and <i>Scomber japonicus</i> , fish of the species <i>Orcynopxis unicolor</i> :		
		— Of mackerel of the species <i>Scomber scombrus</i>	0	
	1604 20 90	— — Of other fish	0	
09.0679	1605	Crustaceans, molluscs and other aquatic invertebrates, prepared or preserved:		2 000
	1605 20 00	— Shrimps and prawns	0	
	ex 1605 40 00	— Other crustaceans:		
		— <i>Nephrops norvegicus</i>	0	

(a) The Taric codes are set out in Annex IV.

ANNEX II

On certain fishery products subject to Community tariff ceilings

Order No	CN code (a)	Description	Rate of duty	Amount of tariff ceiling (in tonnes)
(1)	(2)	(3)	(4)	(5)
17.0011	0302	Fish, fresh or chilled, excluding fish fillets and other fish meat of heading No 0304:		2 000 ⁽¹⁾
	0302 40	— Herrings (<i>Clupea harengus</i> , <i>Clupea pallasii</i>), excluding livers and roes:		
	0302 40 90	— — From 16 June to 14 February	0	
	0303	Fish, frozen, excluding fish fillets and other fish meat of heading No 0304:		
	0303 50	— Herrings (<i>Clupea harengus</i> , <i>Clupea pallasii</i>), excluding livers and roes:		
	0303 50 90	— — From 16 June to 14 February	0	
	0304	Fish fillets and other fish meat (whether or not minced), fresh, chilled or frozen:		
	0304 20	— Frozen fillets:		
	0304 20 75	— — Of herring (<i>Clupea harengus</i> , <i>Clupea pallasii</i>)	0	
		— Other:		
		— — Other:		
		— — — Of herring (<i>Clupea harengus</i> , <i>Clupea pallasii</i>):		
	0304 90 25	— — — — From 16 June to 14 February	0	
17.0013	0302	Fish, fresh or chilled, excluding fish fillets and other fish meat of heading No 0304:		3 000
	0302 64	— — Mackerel (<i>Scomber scombrus</i> , <i>Scomber australasicus</i> , <i>Scomber japonicus</i>):		
	ex 0302 64 90	— — — From 16 June to 14 February: — Mackerel (<i>Scomber scombrus</i>)	0	
17.0015	0304	Fish fillets and other fish meat (whether or not minced), fresh, chilled or frozen:		25 000
	0304 20	— Frozen fillets:		
	0304 20 31	— — Of coalfish (<i>Pollachius virens</i>)	0	

(a) The Taric codes are set out in Annex IV.

⁽¹⁾ Figures refer to the commercial presentation whole and gutted. For imports falling within HS code 0304, a coefficient of 2 shall be applied for quantities drawn from the respective tariff quota reference ceiling.

Order No	CN code (a)	Description	Rate of duty	Amount of tariff ceiling (in tonnes)
(1)	(2)	(3)	(4)	(5)
17.0015 (cont'd)	0304 90 0304 90 41	— Other: — — Other: — — — Of coalfish (<i>Pollachius virens</i>)	 0	
17.0017	0305 0305 30 0305 30 50 0305 30 90	Fish, dried, salted or in brine; smoked fish, whether or not cooked before or during the smoking process; fish meal fit for human consumption: — Fish fillets, dried, salted or in brine, but not smoked: — — Of lesser or Greenland halibut (<i>Reinhardtius hippoglossoides</i>), salted or in brine — — Other	 0 0	5 000
17.0019	0305 ex 0305 41 00 0305 49 0305 49 10 0305 49 20 ex 0305 49 30 ex 0305 49 40 0305 49 50 0305 49 90	Fish, dried, salted or in brine; smoked fish, whether or not cooked before or during the smoking process; fish meal fit for human consumption: — Smoked fish, including fillets: — — Pacific salmon (<i>Oncorhynchus</i> spp.), Atlantic salmon (<i>Salmo salar</i>) and Danube salmon (<i>Hucho hucho</i>): — — Atlantic salmon (<i>Salmo salar</i>) — — Other: — — — Lesser or Greenland halibut (<i>Reinhardtius hippoglossoides</i>) — — — Atlantic halibut (<i>Hippoglossus hippoglossus</i>) — — — Mackerel (<i>Scomber scombrus</i> , <i>Scomber australasicus</i> , <i>Scomber japonicus</i>): — — Mackerel (<i>Scomber scombrus</i>) — — — Trout (<i>Salmo trutta</i> , <i>Salmo gairdneri</i> , <i>Salmo clarki</i> , <i>Salmo aguabonita</i> , <i>Salmo gila</i>): — — Trout (<i>Salmo gairdneri</i>) — — — Eels (<i>Anguilla</i> spp.) — — — Other	 0 0 0 0 0 0 0	1 000
17.0021	0302 0302 69 0302 69 31	Fish, fresh or chilled, excluding fish fillets and other fish meat of heading No 0304: — Other fish, excluding livers and roes: — — Other: — — — Redfish (<i>Sebastes</i> spp.): — — — — Of the species <i>Sebastes marinus</i>	 0	12 600 ⁽¹⁾

(a) The Taric codes are set out in Annex IV.

⁽¹⁾ Figures refer to the commercial presentation whole and gutted. For imports falling within HS code 0304, a coefficient of 3 shall be applied for quantities drawn from this reference ceiling.

Order No	CN code (a)	Description	Rate of duty	Amount of tariff ceiling (in tonnes)
(1)	(2)	(3)	(4)	(5)
17.0021 (cont'd)	ex 0302 69 33	— — — — — Other: — Of the species <i>Sebastes mentella</i>	0 0	
	0303	Fish, frozen, excluding fish fillets and other fish meat of heading No 0304:		
		— Other fish, excluding livers and roes:	0	
	0303 79	— — Other: — — — Saltwater fish: — — — — Redfish (<i>Sebastes</i> spp.):		
	0303 79 35	— — — — — Of the species <i>Sebastes marinus</i>	0	
	ex 0303 79 37	— — — — — Other: — Of the species <i>Sebastes mentella</i>	0	
	0304	Fish fillets and other fish meat (whether or not minced), fresh, chilled or frozen:		
	0304 10	— Fresh or chilled — — Fillets — — — Other:		
	ex 0304 10 39	— — — — — Other: — Of red fish	0	
	0304 20	— Frozen fillets: — — Of redfish (<i>Sebastes</i> spp.):		
	0304 20 35	— — — Of the species <i>Sebastes marinus</i>	0	
	ex 0304 20 37	— — — Other: — Of the species <i>Sebastes mentella</i>	0	
17.0023	0304	Fish fillets and other fish meat (whether or not minced), fresh, chilled or frozen:		3 000
	0304 10	— Fresh or chilled: — — Fillets: — — — Other:		
	ex 0304 10 39	— — — — — Other: — Other, excluding red fish	0	
o17.0025	0304	Fish fillets and other fish meat (whether or not minced), fresh, chilled or frozen:		550
	0304 20	— Frozen fillets:		
	ex 0304 20 43	— — Of ling (<i>Molva</i> spp.)	0	

(a) The Taric codes are set Annex IV.

Order No	CN code (a)	Description	Rate of duty	Amount of tariff ceiling (in tonnes)
(1)	(2)	(3)	(4)	(5)
17.0027	0304	Fish fillets and other fish meat (whether or not minced), fresh, chilled or frozen:		1 800
	0304 20	— Frozen fillets:		
	ex 0304 20 97	— — Other:		
		— Of blue whiting	0	
	0304 90	— Other:		
		— — Other:		
	0304 90 59	— — — Of blue whiting (<i>Micromesistius poutassou</i> or <i>Gadus poutassou</i>)	0	
17.0029	0305	Fish, dried, salted or in brine; smoked fish, whether or not cooked before or during the smoking process; fish meal fit for human consumption:		1 400
		— Fish, salted but not dried or smoked and fish in brine:		
	0305 69	— — Other:		
	0304 69 90	— — — Other	0	
17.0031	0306	Crustaceans, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine; crustaceans, in shell, cooked by steaming or by boiling in water, whether or not chilled, frozen, dried, salted or in brine:		11 000
		— Frozen:		
	0306 13	— — Shrimps and prawns:		
	0306 13 10	— — — Of the family <i>pandalidae</i>	0	
17.0033	0305	Fish, dried, salted or in brine; smoked fish whether or not cooked before or during the smoking process; fish meal fit for human consumption:		500
		— Fish, salted but not dried or smoked and fish in brine:		
	0305 61 00	— — Herrings (<i>Clupea harengus</i> , <i>Clupea pallasii</i>)	0	
	1604	Prepared or preserved fish, caviar or caviar substitutes prepared from fish eggs:		
		— Fish, whole or in pieces, but not minced:		
	1604 12	— — Herrings:	0	
	1604 12 90	— — — Other	0	

(a) The Taric codes are set out in Annex IV.

ANNEX III

On fish subject to statistical surveillance

Order No	CN code (a)	Description	Rate of duty
(1)	(2)	(3)	(4)
17.0035	0302	Fish, fresh or chilled, excluding fish fillets and other fish meat of heading No 0304: — Flat fish (<i>Pleuronectidae</i> , <i>Bothidae</i> , <i>Cynoglossidae</i> , <i>Soleidae</i> , <i>Scophthalmidae</i> and <i>Citharidae</i>), excluding livers, and roes:	0
	0302 29	— — Other:	
	0302 29 90	— — — Other — Other fish, excluding livers and roes:	
	0302 69	— — Other: — — — Saltwater fish:	
17.0037	0302 69 98	— — — — Other	0
	0303	Fish, frozen, excluding fish fillets and other fish meat of heading No 0304: — Other fish, excluding livers and roes:	
17.0039	0303 79	— — Other: — — — Saltwater fish:	0
	0303 79 98	— — — — Other	
	0304	Fish fillets and other fish meat (whether or not minced), fresh, chilled or frozen:	
	0304 20	— Frozen fillets:	
17.0041	ex 0304 20 97	— — Other: — — Other excluding blue whiting	0
	0304 90	— Other: — — Other:	
17.0043	0304 90 97	— — — Other	0

(a) The Taric codes are set out in Annex IV.

ANNEX IV

Taric codes

Order No	CN code	Taric code
09.0671	ex 0301 91 00	0301 91 00*10
	ex 0302 11 00	0302 11 00*10
	ex 0303 21 00	0303 21 00*10
	ex 0304 10 11	0304 10 11*10
	ex 0304 20 11	0304 20 11*10
	ex 0304 90 10	0304 90 10*10
09.0673	ex 0301 99 11	0301 99 11*10
	ex 0302 12 00	0302 12 00*11
		0302 12 00*13
		0302 12 00*15
		0302 12 00*19
	ex 0303 22 00	0303 22 00*20
		0303 22 00*80
	ex 0304 10 13	0304 10 13*10
	ex 0304 20 13	0304 20 13*10
	ex 0304 90 10	0304 90 10*13
09.0675	ex 1604 11 00	1604 11 00*30
	ex 1604 19 10	1604 19 10*10
	ex 1604 20 10	1604 20 10*30
	ex 1604 20 30	1604 20 30*10
09.0677	ex 1604 15 10	1604 15 10*10
	ex 1604 20 50	1604 20 50*40
09.0679	ex 1605 40 00	1605 40 00*20
17.0013	ex 0302 64 90	0302 64 90*10
17.0019	ex 0305 41 00	0305 41 00*10
	ex 0305 49 30	0305 49 30*10
	ex 0305 49 40	0305 49 40*10
17.0021	ex 0302 69 33	0302 69 33*10
	ex 0303 79 37	0303 79 37*10
	ex 0304 10 39	0304 10 39*20
	ex 0304 20 37	0304 20 37*10
17.0023	ex 0304 10 39	0304 10 39*10
		0304 10 39*90
17.0027	ex 0304 20 97	0304 20 97*40
17.0041	ex 0304 20 97	0304 20 97*90

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DIRECTIVE

of 16 December 1991

on mutual acceptance of personnel licences for the exercise of functions in civil aviation

(91/670/EEC)

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 ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas the existence in sufficient numbers of cockpit personnel holding the necessary qualifications and licences is vital for the smooth and safe running of air transport services;

Whereas also the completion of the internal market by the end of 1992 requires the existence of an efficient air transport system in order to facilitate the movement of persons within the Community;

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 than the national level;

Whereas it is therefore essential that the common transport policy in the field of civil aviation be extended to facilitate the movement of cockpit personnel within the Community;

Whereas the requirements for licences of cockpit personnel differ between Member States;

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 by aircraft registered on 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 solely by reference to their own national education and training systems, where the person concerned has already acquired those qualifications in another Member State;

Whereas in order to facilitate compliance with Treaty obligations and to ensure the mobility of cockpit personnel, a Community procedure should be introduced for the acceptance of licences and qualifications of such personnel;

⁽¹⁾ OJ No C 10, 16. 1. 1990, p. 12; and OJ No C 175, 6. 7. 1991, p. 14.

⁽²⁾ OJ No C 284, 12. 11. 1990, p. 198.

⁽³⁾ OJ No C 124, 21. 5. 1990, s. 18.

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

Whereas, if in order to be permitted to operate aircraft registered in a Member State other than that where they obtained their licence, professional pilots have to be subjected to additional tests, they should be offered the possibility of sitting such tests as soon as possible;

Whereas training facilities available in Member States are not always commensurate with demand; whereas in conformity with Article 7 of the Treaty, Member States must 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, the Council will adopt, taking account of progress reached in the proceedings of international organizations, before 1 January 1993, on a proposal by the Commission to be submitted before 1 July 1992, the measures for harmonized requirements in respect of licences and training programmes; whereas each Member State will recognize any licence which satisfies these requirements,

HAS ADOPTED THIS DIRECTIVE:

Article 1

This Directive shall apply to procedures for mutual acceptance of licences issued by Member States to civil aviation cockpit personnel.

Article 2

For the purposes of this Directive

- (a) *licence* means any valid document, issued by a Member State, authorizing the holder to exercise functions as a member of the cockpit personnel on board a civil aircraft registered in a Member State. This definition also includes ratings associated with the document;
- (b) *rating* means a statement entered on a licence, or in a separate document, setting forth 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 issued by another Member State together with the privileges and certificates pertaining thereto. The acceptance, which may be effected through the issue by the Member State of a licence of its own, shall not extend beyond the period of validity of the original licence;

- (d) *recognition* means the permission to use on an aircraft registered in one Member State a licence issued in another Member State, in accordance with the privileges pertaining thereto;
- (e) *validation* means the express declaration by a Member State that a licence issued by another Member State can be used as one of its own;
- (f) *cockpit personnel* means personnel holding a licence and charged with duties essential to the operation of an aircraft during flight time. This definition applies to pilots, flight navigators and flight engineers.

Article 3

1. A Member State shall accept, without undue delay or additional tests, any licence issued by another Member State together with privileges and certificates pertaining thereto.
2. Any person holding a private pilot's 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's licence and of associated aircraft ratings under visual flight rules (VFR) by day only in an aircraft certificated for single-pilot operations.

Article 4

1. Article 3 (1) shall apply where a licence issued by a Member State and presented to another Member State for acceptance is based on requirements which are equivalent to those of the host Member State. In order to enable the competent authorities to assess the equivalence of licences issued by other Member States, the Commission shall make, and forward to all the Member States before 1 January 1992, a comparison of the requirements applied in each Member State for issuing licences for the same functions.
2. (a) Any Member State may ask the Commission for an opinion on the equivalence of a licence, presented to it for acceptance, within three weeks of receiving the request.
 - (b) The Commission must deliver an opinion within two months. The Member State concerned shall then have a month to reply to the applicant.
 - (c) If a Member State does not ask the Commission for an opinion, it shall be bound to reply to the applicant within three months.

- (d) The periods referred to in (a), (b) and (c) above shall start to run when all the necessary information is available.

3. If, after the examination of a licence by the Member State to which it has been presented for acceptance, reasonable doubts remain as to the equivalence of the licence concerned, that Member State may, notwithstanding the principles laid down in Article 3 (1), consider that additional requirements and/or tests are necessary to enable the licence to be accepted. The licence holder, the Member State which issued the licence and the Commission shall be informed thereof in writing. The opportunity to take an additional test shall be given to the licence holder by the host Member State to which the licence is submitted for approval as soon as possible, and in any event without discrimination on grounds of nationality.

4. Where the applicant has met the additional requirements and/or has passed the required test(s) as laid down in paragraph 3 the Member State concerned shall forthwith accept the licence in question.

5. Notwithstanding the above, with respect to pilot's licences and notwithstanding paragraphs 1 to 4, a Member State shall accept any licence issued in accordance with the requirements of Annex 1 to the Chicago Convention on International Civil Aviation if the bearer satisfies the special validation requirements laid down in the Annex to this Directive.

Article 5

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

Article 6

When a Member State issues, for reasons of equivalence, a licence on the basis of a licence issued by a third country together with the privileges and certificates pertaining thereto, this shall be recorded in the licence. Other Member States shall not be obliged to accept any such licence.

Article 7

1. After consulting the Commission, Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 1 June 1992. They shall forthwith inform the Commission thereof.

2. When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

3. Member States shall communicate to the Commission the provisions of national law which they adopt in the field covered by this Directive.

4. Member States shall assist one another in the implementation of this Directive and shall, if need be, exchange information on the licences they have accepted on grounds of equivalence.

5. The confidential information obtained pursuant to this Directive shall be covered by professional secrecy.

Article 8

This Directive is addressed to the Member States.

Done at Brussels, 16 December 1991.

For the Council

The President

H. MAIJ-WEGGEN

ANNEX

Special validation procedure

Special validation requirements					
Role	Licence	Medical	Age	Experience	Aptitude tests (*) — check on knowledge of requirements prescribed by the host Member State and coming under the scope of Annex 6 to the Chicago Convention in a national language of the validating State or in English, at the applicant's choice, — flight test including instrument flying, in flight or simulator (the details of these tests are specified for each individual case in the column below)
(1)	(2)	(3)	(4)	(5)	(6)
1. Commercial air transportation in FAR 25/JAR 25 aeroplanes					
(a) PIC	(a) ATPL-A	(a) Class 1 medical certificate without waiver	(a) 21 to 60	(a) 1 500 hours 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 to 60	(b) 1 500 hours on FAR 25/JAR 25 aeroplanes	(b) A flight test including IR test in flight or simulator
2. Commercial air transportation in non-FAR 25/JAR 25 aeroplanes					
(a) PIC	(a) CPL-A (with IR)	(a) Class 1 medical certificate without waiver	(a) 21 to 60	(a) 1 000 hours as PIC in commercial air transportation 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 to 60	(b) 1 000 hours in commercial air transportation	(b) A flight test including IR test in flight or simulator

(1)	(2)	(3)	(4)	(5)	(6)
3. (a) Aerial work in aeroplanes (excluding flying instruction)	(a) CPL-A	(a) Class 1 medical certificate without waiver	(a) 21 to 60	(a) 700 hours as PIC on conventional aeroplanes including 200 hours in the kind of aerial work for which validation is sought, including 50 hours in the role in the last 12 months	(a) Flight check in role
3. (b) Aerial work in helicopters (excluding flying instruction and offshore operations)	(b) CPL-H	(b) Class 1 medical certificate without waiver	(b) 21 to 60	(b) 700 hours as PIC on helicopters including 200 hours in the kind of aerial work for which validation is sought, including 50 hours in the role in the last 12 months	(b) Flight check in role
4. Commercial air transportation or offshore operations in helicopters					
(a) PIC	(a) ATPL-H (with IR if IFR flights required)	(a) Class 1 medical certificate without waiver	(a) 21 to 60	(a) 1 500 hours as PIC flying related to the kind of operation for which validation is being sought. If IR flight is required, have gained 500 hours 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	(a) 21 to 60	(b) 1 500 hours flying related to the kind of operation for which validation is being sought. If IR flight is required, have gained 500 hours flying experience since gaining an IR	(a) A flight test, including IR test, if appropriate, in flight or simulator

IR = Instrument rating.

(*) The applicant must be given the possibility of undergoing the abovementioned check and test as soon as possible. Conventional aeroplanes means aeroplanes other than those certificated under JAR 25 and ultralights.

COUNCIL DIRECTIVE

of 16 December 1991

on the approximation of the laws of the Member States relating to compulsory use of safety belts in vehicles of less than 3,5 tonnes

(91/671/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 75 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas the national laws on compulsory use of safety belts differ widely from one Member State to another; whereas it is therefore necessary to harmonize that compulsory use;

Whereas the obligation to use safety belts should be harmonized in vehicles of less than 3,5 tonnes in order to guarantee road users a greater degree of safety;

Whereas Directives 76/115/EEC ⁽⁴⁾ and 77/541/EEC ⁽⁵⁾ concern the technical requirements relating to safety belts with which motor vehicles must comply, but not the use of safety belts;

Whereas in the resolution of 19 December 1984 ⁽⁶⁾, the Council and the Representatives of the Governments of the Member States, meeting within the Council, undertook to ensure the rapid adoption of road safety measures, and invited the Commission to submit proposals;

Whereas resolutions of the European Parliament on road safety ⁽⁷⁾ have recommended that the wearing of safety belts by all passengers, including children, on all roads and in all seats in passenger vehicles (except public service vehicles), should be compulsory;

Whereas provision should be made for the compulsory use of child restraint systems on seats fitted with safety belts;

Whereas, pending harmonized Community standards for child restraint systems, those standards which correspond to Member States' national requirements must be recognized throughout the Member States;

Whereas studies have also shown that rear seats are almost as hazardous as front seats for unbelted passengers and that rear-seat passengers not wearing belts increase the risk of injuries to front seat passengers; whereas deaths and injuries could thus be further reduced if the wearing of belts in rear seats was made compulsory;

Whereas the fixing of the date of entry into force of the measures referred to in this Directive should allow time for the drafting of the implementing provisions required, particularly in those Member States where as yet no provisions on this matter exist,

⁽¹⁾ OJ No C 298, 23. 11. 1988, p. 8; and OJ No C 308, 8. 12. 1990, p. 11.

⁽²⁾ OJ No C 96, 17. 4. 1989, p. 220; and OJ No C 240, 16. 9. 1991, p. 74.

⁽³⁾ OJ No C 159, 26. 6. 1989, p. 52; and OJ No C 159, 17. 6. 1991, p. 56.

⁽⁴⁾ Council Directive 76/115/EEC of 18 December 1975 on the approximation of the laws of the Member States relating to anchorages for motor vehicle safety belts (OJ No L 24, 30. 1. 1976, p. 6), as last amended by Directive 90/629/EEC (OJ No L 341, 6. 12. 1990, p. 14).

⁽⁵⁾ Council Directive 77/541/EEC of 28 June 1977 on the approximation of the laws of the Member States relating to safety belts and restraint systems of motor vehicles (OJ No L 220, 29. 8. 1977, p. 95), as last amended by Directive 90/628/EEC (OJ No L 341, 6. 12. 1990, p. 1).

⁽⁶⁾ OJ No C 341, 21. 12. 1984, p. 1.

⁽⁷⁾ OJ No C 104, 16. 4. 1984, p. 38; and OJ No C 68, 24. 3. 1986, p. 35.

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. This Directive shall apply to all motor vehicles in categories M_1 , M_2 (except for rear seats and vehicles of a maximum permissible weight exceeding 3,5 tonnes and those which include places specially designed for standing passengers) and N_1 (except for rear seats), as defined in Annex I to Directive 70/156/EEC ⁽¹⁾, intended for use on the road, having at least four wheels and a maximum design speed exceeding 25 km/h.

2. for the purposes of this Directive:

1. 'safety belt (seat belt, belt)' means an assembly of straps with a securing buckle, adjusting devices and attachments which is capable of being anchored inside a power-driven vehicle and is designed to diminish the risk of injury to its wearer, in the event of collision or of abrupt vehicle deceleration, by limiting the mobility of the wearer's body. Such an assembly is generally referred to as a 'belt assembly', a term also embracing any devices for energy absorption or belt retraction;
2. 'restraint system' means a system combining a seat, fixed to the structure of the vehicle by appropriate means and a safety belt for which at least one anchorage point is located on the seat structure;
3. 'seat' means a structure which may or may not be integral with the vehicle structure complete with trim, intended to seat one adult person. The term covers both an individual seat and part of a bench seat intended to seat one person.

Article 2

Member States shall ensure that the driver and passengers occupying the seats of vehicles on the road as referred to in Article 1 wear safety belts or are restrained by an approved restraint system provided the occupied seats are fitted with such equipment. Rear-seat occupants must use equipped seats before others.

Member States shall ensure that children under 12 years of age and who are less than 150 cm tall, travelling in such vehicles and occupying belted seats, are restrained by an approved restraint system suitable for the child's height and weight. These seats must be occupied before the others.

The use of a restraint system approved by the competent authority of a Member State shall be permitted by the other Member States.

Article 3

The provisions of this Directive shall also apply to drivers and passengers of vehicles being used on the road in the Community which are registered in a third country.

Article 4

1. By way of derogation from the second paragraph of Article 2, Member States may, on their national territory, permit children aged three years and over occupying the seats of vehicles referred to in Article 1 to be restrained by a safety belt or other restraint system approved for adult use.

2. Member States shall also, on their territory and under conditions specified in their national law, allow that children under three years of age occupying rear seats need not be restrained by a restraint system suitable for their height and weight if such children are transported in a vehicle where such a system is unavailable.

Article 5

Persons provided by the competent authorities with an exemption certificate for serious medical reasons shall be exempt from the obligations laid down in Article 2. Any medical certificate issued by the competent authorities in one Member State shall also be valid in any other Member State; the medical certificate must indicate its period of validity and be shown to all authorized persons upon request in accordance with the relevant provisions in force in each Member State. It must bear the following symbol:



Article 6

Member States may, with the Commission's agreement, grant exemptions other than those laid down in Article 5, in order to:

⁽¹⁾ Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers (OJ No L 42, 23. 2. 1970, p. 1), as last amended by Directive 87/403/EEC (OJ No L 220, 8. 8. 1987, p. 44).

- take account of specific physical conditions, or particular circumstances of limited duration,
- allow certain types of occupation to be carried out effectively,
- ensure that the police, security services or emergency services can perform their duties properly.

Article 7

The Commission shall, by 1 August 1994, submit a report on the implementation of this Directive for the particular purpose of establishing whether or not more stringent safety measures and much closer harmonization are needed. If appropriate, the report shall be accompanied by proposals, on which the Council shall act by a qualified majority at the earliest opportunity.

Article 8

1. After consulting the Commission, Member States shall bring into force the laws, regulations and administrative

provisions necessary to comply with this Directive before 1 January 1993. They shall forthwith inform the Commission thereof.

2. When Member States adopt these provisions, they shall contain a reference to this Directive or be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

3. Member States shall communicate to the Commission the texts of the main provision of national law, which they adopt in the field governed by this Directive.

Article 9

This Directive is addressed to the Member States.

Done at Brussels, 16 December 1991.

For the Council

The President

H. MAIJ-WEGGEN

COUNCIL DIRECTIVE

of 16 December 1991

on the reciprocal recognition of national boatmasters' certificates for the carriage of goods and passengers by inland waterway

(91/672/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 75 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas it is appropriate to work for the establishment of common provisions concerning the sailing of inland waterways vessels on inland waterways in the Community;

Whereas, it is appropriate, as a first step, with a view to promoting free navigation on inland waterways in the Community, to achieve the reciprocal recognition of national boatmasters' certificates for the carriage of goods and passengers by inland waterway;

Whereas additional requirements relating to knowledge of local situations may have to be satisfied for the purposes of navigation on certain inland waterways,

HAS ADOPTED THIS DIRECTIVE:

Article 1

For the purpose of this Directive, the national boatmasters' certificates for the carriage of goods and passengers by inland waterway, as referred to in Annex I, shall be subdivided as follows:

Group A: boatmasters' certificates valid for waterways of a maritime character as indicated in Annex II,

Group B: boatmasters' certificates valid for the other waterways in the Community, with the exception of the Rhine, the Lek and the Waal.

Article 2

Subject to the provisions of Article 3 (5), the Rhine navigation licence for boatmasters issued in accordance with the revised Convention for the Navigation of the Rhine shall be valid for all waterways in the Community.

Article 3

1. Boatmasters' certificates which are still in force and are listed in Group A in Annex I shall be recognized by all Member States as valid for the purposes of navigation on the waterways of a maritime character listed in Annex II, as if they had issued the certificates in question themselves.

2. Member States shall reciprocally recognize the boatmasters' certificates which are still in force and are listed in Group B of Annex I as valid for the purposes of navigation on their inland waterways apart from those for which the Rhine navigation licence is required or which are listed in Annex II, as if they had issued the certificates themselves.

3. Recognition by a Member State of a boatmasters' certificate listed in Group A or Group B of Annex I may be made subject to the same minimum age conditions as those laid down in the Member State in question for the issue of a boatmasters' certificate in the same group.

4. Recognition by a Member State of a boatmasters' certificate may be limited to those categories of vessels for which this certificate is valid in the Member State which issued it.

5. Subject to consultation of the Commission and the other Member States, a Member State may require that, for the purposes of navigation on certain waterways other than the waterways of a maritime character as indicated in Annex II, boatmasters from other Member States satisfy additional conditions concerning knowledge of the local situation equivalent to those required for its national boatmasters.

6. This Directive shall not prevent a Member State requiring additional knowledge on the part of boatmasters sailing vessels transporting dangerous substances on its territory.

Member States shall recognize the certificate issued in accordance with the number 10 170 of the ADNR as proof of this knowledge.

(1) OJ No C 120, 7. 5. 1988, p. 7.

(2) OJ No C 12, 16. 1. 1989, p. 41.

(3) OJ No C 318, 12. 12. 1988, p. 18.

Article 4

If necessary the Commission shall take the necessary steps to adapt the list of certificates appearing in Annex I, in accordance with the procedure set out in Article 7.

Article 5

The Council shall, acting by a qualified majority, decide by 31 December 1994 at the latest on common provisions concerning the sailing of inland waterways vessels for the carriage of goods and passengers, on the basis of a Commission proposal to be submitted no later than 31 December 1993.

Article 6

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive no later than 1 January 1993. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

Article 7

1. For the purposes of Article 4 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 for the amendment of Annex I. 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.

The Commission shall adopt the amendment to Annex I if it is in accordance with the opinion of the committee.

If the amendment envisaged is 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.

If, within three months of the date of referral to the Council, the Council has not acted, the proposed amendment shall be adopted by the Commission.

Article 8

This Directive is addressed to the Member States.

Done at Brussels, 16 December 1991.

For the Council

The President

H. MAIJ-WEGGEN

ANNEX I

LIST OF NATIONAL BOATMASTERS' CERTIFICATES FOR THE CARRIAGE OF GOODS AND PASSENGERS BY INLAND WATERWAY REFERRED TO IN ARTICLE 1 OF THE DIRECTIVE

GROUP A: Boatmasters' certificates valid for the waterways of a maritime character listed in Annex II

Kingdom of Belgium

- 'Brevet de conduite A (arrêté royal n° ... du ...)'/'Vaarbrevet A (Koninklijk Besluit nr. ... van ...)'.

Federal Republic of Germany

- 'Schifferpatent' with additional validity for the 'Seeschiffsstraßen' (Binnenschifferpatentverordnung 7. 12. 1981).

French Republic

- Certificat général de capacité de catégorie 'A' bearing the stamp specifying the validity of the certificate on Group A waterways (navigation zone 2 for the purposes of Directive 82/714/EEC) ⁽¹⁾ (décret du 23 juillet 1991, *Journal officiel* du 28 juillet 1991),
- 'Certificats spéciaux de capacité' bearing the stamp specifying the validity of the certificate on Group A waterways (navigation zone 2 for the purposes of Directive 82/714/EEC) (décret du 23 juillet 1991, *Journal officiel* du 28 juillet 1991).

Kingdom of the Netherlands

- 'Groot Vaarbewijs II' (Binnenschepenwet, Staatsblad 1981, nr. 678).

GROUP B: Boatmasters' certificates valid for other inland waterways in the Community, with the exception of the Rhine, the Lek and the Waal

Kingdom of Belgium

- 'Brevet de conduite B (arrêté royal n° ... du ...)'/'Vaarbrevet B (Koninklijk Besluit nr. ... van ...)'.

Federal Republic of Germany

- 'Schifferpatent' (Binnenschifferpatentverordnung 7. 12. 1981).

French Republic

- Certificat général de capacité de catégorie 'A', not bearing the stamp specifying the validity of the certificate on Group A waterways (navigation zone 2 for the purposes of Directive 82/714/EEC) (décret du 23 juillet 1991, *Journal officiel* du 28 juillet 1991),
- 'Certificats spéciaux de capacité' not bearing the stamp specifying the validity of the certificate on Group A waterways (navigation zone 2 for the purposes of Directive 82/714/EEC) (décret du 23 juillet 1991, *Journal officiel* du 28 juillet 1991).

Kingdom of the Netherlands

- 'Groot Vaarbewijs I' (Binnenschepenwet, Staatsblad 1981, nr. 678).

⁽¹⁾ OJ No L 301, 28. 10. 1982, p. 1.

ANNEX II

**LIST OF WATERWAYS OF A MARITIME CHARACTER REFERRED TO IN ARTICLE 2 OF THE
DIRECTIVE**

Kingdom of Belgium

Maritime Scheldt.

Federal Republic of Germany

Zone 1 and zone 2 of Annex I to Directive 82/714/EEC.

Kingdom of the Netherlands

Dollard, Eems, Waddenzee, IJsselmeer, Eastern and Western Scheldt.

COUNCIL DIRECTIVE

of 19 December 1991

amending Directive 69/169/EEC to extend and modify the exceptions granted to Denmark and to Ireland relating to travellers' allowances

(91/673/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 99 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Whereas, until 31 December 1991, the Kingdom of Denmark and Ireland qualify for exceptions from Directive 69/169/EEC ⁽³⁾, as last amended by Directive 91/191/EEC ⁽⁴⁾, in respect of the application of the general levels of allowances;

Whereas the said exceptions must be seen in the context of Article 8a of the Treaty, which defines the internal market as an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured and states that this market should be progressively established over a period expiring on 31 December 1992;

Whereas immediate cessation of the said exceptions might result in economic difficulties for the Kingdom of Denmark and for Ireland; whereas their application should therefore be extended, in a modified form in Ireland's case, until 31 December 1992,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 69/169/EEC is hereby amended as follows:

1. in Article 7b (1) (b), 'ECU 95' shall be replaced by 'ECU 150';
2. in Article 7c, '31 December 1991' shall be replaced by '31 December 1992';

3. Article 7d shall be replaced by the following:

'Article 7d

Notwithstanding Article 2 (1) and within the limit set out therein, Ireland shall be authorized to apply a quantitative limit of 30 litres of beer for all travellers to Ireland until 31 December 1992.

Notwithstanding Articles 2 (1), 4 (1) and 7b (1) (b), Ireland shall be authorized to apply the following limits until 31 December 1992 for the import of the goods in question by travellers from Ireland, after a stay of less than 24 hours outside Ireland:

- (a) for travellers from the Community: ECU 175, but the unit value may not exceed ECU 110;
- (b) for beer, 15 litres.'

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 1 January 1992.

When Member States adopt the measures referred to in the first subparagraph, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

2. Member States shall inform the Commission of the text of the main provisions of domestic law which they adopt in the field covered by this Directive.

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 19 December 1991.

For the Council
The President
P. DANKERT

⁽¹⁾ Opinion delivered on 10 December 1991 (not yet published in the Official Journal).

⁽²⁾ Opinion delivered on 17 December 1991 (not yet published in the Official Journal).

⁽³⁾ OJ No L 133, 4. 6. 1969, p. 6.

⁽⁴⁾ OJ No L 94, 16. 4. 1991, p. 24.