

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

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<sup>(1)</sup>,

Having regard to the opinion of the European Parliament<sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee<sup>(3)</sup>,

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;

---

*Changes to legislation:* There are currently no known outstanding effects for the Council Regulation (EEC) No 3922/91, Introductory Text. (See end of Document for details)

---

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;

[<sup>F1</sup>The application of provisions regarding flight and duty time limitations can result in significant disruption of rosters for undertakings the operating models of which are exclusively based on night-time operation. The Commission should, on the basis of evidence to be provided by the parties concerned, carry out an assessment and propose an adjustment of the provisions regarding flight and duty time limitations to take account of these special operating models.]

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;

[<sup>F1</sup>By 16 January 2009, the European Aviation Safety Agency should complete a scientific and medical evaluation of Subpart Q and, where relevant, of Subpart O of Annex III. On the basis of the results of this evaluation, and in accordance with the procedure referred to in Article 12(2), the Commission should, if necessary, draw up and submit proposals without delay to amend the relevant technical provisions.

In the review of certain provisions referred to in Article 8a, the course towards further harmonisation of cabin crew training requirements hitherto adopted should be maintained, in order to facilitate the free movement of cabin crew personnel within the Community. In this context, the possibility of further harmonisation of cabin crew qualifications should be re-examined.]

[<sup>F2</sup>The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission]<sup>(4)</sup>

HAS ADOPTED THIS REGULATION:

#### **Textual Amendments**

- F1** Inserted by [Regulation \(EC\) No 1899/2006 of the European Parliament and of the Council of 12 December 2006 amending Council Regulation \(EEC\) No 3922/91 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation \(Text with EEA relevance\)](#).
- F2** Substituted by [Regulation \(EC\) No 1899/2006 of the European Parliament and of the Council of 12 December 2006 amending Council Regulation \(EEC\) No 3922/91 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation \(Text with EEA relevance\)](#).

---

**Changes to legislation:** *There are currently no known outstanding effects for the Council Regulation (EEC) No 3922/91, Introductory Text. (See end of Document for details)*

---

---

**Changes to legislation:** There are currently no known outstanding effects for the Council Regulation (EEC) No 3922/91, Introductory Text. (See end of Document for details)

---

- (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.
- (4) [<sup>F2</sup> OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).]

---

#### **Textual Amendments**

- F2** Substituted by Regulation (EC) No 1899/2006 of the European Parliament and of the Council of 12 December 2006 amending Council Regulation (EEC) No 3922/91 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation (Text with EEA relevance).

**Changes to legislation:**

There are currently no known outstanding effects for the Council Regulation (EEC) No 3922/91, Introductory Text.