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**COUNCIL REGULATION (EEC) No 3925/91
of 19 December 1991**

concerning the elimination of controls and formalities applicable to the cabin and hold baggage of persons taking an intra-Community flight and the baggage of persons making an intra-Community sea crossing

(OJ L 374, 31.12.1991, p. 4)

Amended by:

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of 19 December 1991**

concerning the elimination of controls and formalities applicable to the cabin and hold baggage of persons taking an intra-Community flight and the baggage of persons making an intra-Community sea crossing

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100a thereof,

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

In cooperation with the European Parliament ⁽²⁾,

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

Whereas Article 8a of the Treaty provides that the internal market shall comprise an area without internal frontiers in which the free movement, in particular, of goods is ensured; whereas in this context ports and airports stand apart as either may constitute, at the same time, an external frontier and an internal border; whereas the application of the principle of freedom of movement should nevertheless result in the elimination of controls on the cabin and hold baggage of persons taking an intra-Community flight and the baggage of persons making an intra-Community sea crossing;

Whereas a journey by air may involve several successive legs some being within Community territory and others outside it; whereas the treatment of some flights must take into account the practicalities of organizing controls and of international competition; whereas specific provision should be made to cover such special cases;

Whereas maritime transport may involve different types of voyage; whereas specific provision should be made to cover certain special cases of maritime transport;

Whereas such specific provisions must be applied without prejudice to safety and security checks,

Whereas Member States must, however, be free to take specific measures compatible with Community law for the purpose of carrying out special controls, *inter alia*, in order to prevent criminal activities linked in particular to terrorism, drugs and the traffic in works of art,

HAS ADOPTED THIS REGULATION:

Article 1

1. Subject to Articles 3, 4 and 5, no controls or formalities shall be carried out in respect of:

- the cabin and hold baggage of persons taking an intra-Community flight,
- the baggage of persons making an intra-Community sea crossing.

2. This Regulation shall apply without prejudice to:

- the safety and security checks carried out on baggage by the authorities of the Member States, port or airport authorities or carriers,
- checks linked to prohibitions or restrictions laid down by the Member States, provided they are compatible with the three Treaties establishing the European Communities.

⁽¹⁾ OJ No C 212, 25. 8. 1990, p. 8.

⁽²⁾ OJ No C 106, 22. 4. 1991, p. 80; and OJ No C 326, 16. 12. 1991.

⁽³⁾ OJ No C 60, 8.3. 1991, p. 12.

▼B*Article 2*

For the purposes of this Regulation:

1. 'Community airport' means any airport situated in Community customs territory;
2. 'international Community airport' means any Community airport which, having been so authorized by the competent authorities, is approved for air traffic with third countries;
3. 'intra-Community flight' means the movement of an aircraft between two Community airports, without any stopovers, and which does not start from or end at a non-Community airport;
4. 'Community port' means any sea port situated in Community customs territory;
5. 'intra-Community sea crossing' means the movement between two Community ports without any intermediate calls, of a vessel plying regularly between two or more specified Community ports;
6. 'pleasure craft' means private boats intended for journeys whose itinerary depends on the wishes of the user;
7. 'tourist or business aircraft' means private aircraft intended for journeys whose itinerary depends on the wishes of the user.

Article 3

Any controls and any formalities applicable:

1. to the cabin and hold baggage of persons taking a flight in an aircraft which comes from a non-Community airport and which, after a stopover at a Community airport, continues to another Community airport, shall be carried out at this last airport provided it is an international Community airport;
2. to the cabin and hold baggage of persons taking a flight in a aircraft which stops over at a Community airport before continuing to a non-Community airport, shall be carried out at the airport of departure provided it is an international Community airport;
3. to the baggage of persons using a maritime service provided by the same vessel and comprising successive legs departing from, calling at or terminating in a non-Community port shall be carried out at the port at which the baggage in question is loaded or unloaded as the case may be.

Article 4

Any controls and any formalities applicable to the baggage of persons on board:

1. pleasure craft, shall be carried out in any Community port, whatever the origin or destination of these craft;
2. tourist or business aircraft, shall be carried out:
 - at the first airport of arrival which must be an international Community airport, for flights coming from a non-Community airport where the aircraft, after a stopover, continues to another Community airport,
 - at the last international Community airport, for flights coming from a Community airport where the aircraft, after a stopover, continues to a non-Community airport.

Article 5

Except in special cases to be determined in accordance with the procedure laid down in Article 8, any controls and any formalities applicable to:

1. hold baggage arriving at a Community airport on board an aircraft coming from a non-Community airport and transferred, at that Community airport, to another aircraft proceeding on an intra-Community flight shall be carried out at the airport of arrival of

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- the intra-Community flight, provided the latter airport is an international Community airport;
2. hold baggage loaded at a Community airport onto an aircraft proceeding on an intra-Community flight for transfer, at another Community airport to an aircraft whose destination is a non-Community airport, shall be carried out at the airport of departure of the intra-Community flight, provided that airport is an international Community airport;
 3. baggage arriving at a Community airport on board a scheduled or charter flight from a non-Community airport and transferred, at that Community airport, to a tourist or business aircraft proceeding on an intra-Community flight shall be carried out at the airport of arrival of the scheduled or charter flight;
 4. baggage loaded at a Community airport onto a tourist or business aircraft proceeding on a intra-Community flight for transfer, at another Community airport, to a scheduled or charter flight whose destination is a non-Community airport, shall be carried out at the airport of departure of the scheduled or charter flight.

Article 6

1. A Committee on the Movement of Air or Sea Passengers' Baggage (hereinafter referred to as 'the Committee') is hereby set up, composed of representatives of the Member States and chaired by a representative of the Commission.

▼M1**▼B***Article 7*

The Committee shall have power to examine any question relating to the implementation of this Regulation, submitted to it by its chairman either on his own initiative or at the request of a representative of a Member State.

▼M1*Article 8*

1. The provisions necessary for the application of this Regulation shall be adopted in accordance with the procedure laid down in paragraph 2.
 2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC ⁽¹⁾ shall apply, having regard to the provisions of Article 8 thereof.
- The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.
3. The Committee shall adopt its rules of procedure.

▼B*Article 9*

1. This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.
It shall apply from 1 January 1993.
2. Before 1 October 1992, the Council shall review this Regulation on the basis of a progress report from the Commission on the harmonization of provisions on the achievement of the internal market which are necessary for the correct application of this Regulation, and in particular those relating to the abolition of limits on travellers' allow-

(1) Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).

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ances in intra-Community traffic. The report shall be accompanied by proposals, should there be any, on which the Council shall decide by a qualified majority.

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