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;

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

(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, 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.