

Safety

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 (Retained EU Legislation)

Unamended since 1 January 2021

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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 (Retained EU Legislation)
Preamble



Law In Force

Version 1 of 1

Date not available - Present

Subjects

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 Commission¹,

Having regard to the opinion of the European Parliament²,

Having regard to the opinion of the Economic and Social Committee³,

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;

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;

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.

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 Commission⁴

HAS ADOPTED THIS REGULATION:

Notes

- 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 vOJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

Extent

Preamble United Kingdom

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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 (Retained EU Legislation)
art. 1



Law In Force

Version 2 of 2

31 December 2020 - Present

Subjects

Aviation

Article 1

[1.

This Regulation applies to technical requirements and administrative procedures in the field of civil aviation safety related to the operation and maintenance of air taxi, emergency medical service and single pilot commercial air transport operations by aeroplanes, and persons and organisations involved in such tasks, until such time as detailed rules are introduced pursuant to Article 32(1)(a) of Regulation 2018/1139.

]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 [the United Kingdom]² or in a third country [(which in this Regulation means any country or territory other than the United Kingdom)]³ .

[...]⁴[...]

Notes

- 1 Substituted by Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019/645 Pt 3(1) reg.7(2) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))
- 2 Words substituted by Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019/645 Pt 3(1) reg.7(3)(a) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))

Notes

- 3 Words inserted by Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019/645 Pt 3(1) reg.7(3)(b) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))
- 4 Repealed by Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019/645 Pt 3(1) reg.7(4) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))

Extent

art. 1 art. para1- art. United Kingdom
para4

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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 (Retained EU Legislation)
art. 2



Law In Force

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31 December 2020 - Present

Subjects

Aviation

Article 2

For the purpose of this Regulation:

(a) ‘operator’ means a natural person residing in [the United Kingdom]¹ or a legal person established in [the United Kingdom]¹ using one or more aircraft in accordance with the regulations applicable in [the United Kingdom]², or a [United Kingdom]³ air carrier as defined in [Regulation (EC) No 1008/2008 of the Parliament and of the Council on common rules for the operation of air services]⁴;

(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;

[...] ⁵

(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;

[

(i) 'the CAA' means the Civil Aviation Authority.

]⁶

Notes

- 1 Words substituted by Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019/645 Pt 3(1) reg.8(2)(a) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))
- 2 Words substituted by Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019/645 Pt 3(1) reg.8(2)(b) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))
- 3 Word substituted by Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019/645 Pt 3(1) reg.8(2)(c) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))
- 4 Words substituted by Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019/645 Pt 3(1) reg.8(2)(d) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))
- 5 Repealed by Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019/645 Pt 3(1) reg.8(3) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))
- 6 Substituted by Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019/645 Pt 3(1) reg.8(4) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))

Extent

art. 2(a)-(i) United Kingdom

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 (Retained EU Legislation)
art. 3



Law In Force

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31 December 2020 - Present

Subjects

Aviation

Article 3

1.

[The]¹ technical requirements and administrative procedures applicable in the [United Kingdom]² with regard to [air taxi, emergency medical service and single pilot commercial air transport operations]³ shall be those specified in Annex III.

2.

References made to Subpart M of Annex III or any of its provisions shall refer to Part-M of Commission Regulation (EC) No 2042/2003 of 20 November 2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks⁴ or its relevant provisions.

Notes

- 1 Words substituted by Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019/645 Pt 3(1) reg.9(a) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))
- 2 Word substituted by Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019/645 Pt 3(1) reg.9(b) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))
- 3 Words substituted by Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019/645 Pt 3(1) reg.9(c) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))

Notes

4 OJ L 315, 28.11.2003, p. 1.

Extent

art. 3 art. para1- art. United Kingdom
para2

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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 (Retained EU Legislation) art. 4



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31 December 2020 - Present

Subjects

Aviation

[...]¹

Notes

- 1 Repealed by Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019/645 Pt 3(1) reg.10 (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))

Extent

art. 4 art. para1- art. United Kingdom
para2

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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 (Retained EU Legislation) art. 5



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Subjects

Aviation

[...]¹

Notes

- 1 Repealed by Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019/645 Pt 3(1) reg.10 (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))

Extent

art. 5 United Kingdom

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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 (Retained EU Legislation) art. 6



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31 December 2020 - Present

Subjects

Aviation

[...]¹

Notes

- 1 Repealed by Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019/645 Pt 3(1) reg.10 (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))

Extent

art. 6 United Kingdom

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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 (Retained EU Legislation) art. 7



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31 December 2020 - Present

Subjects

Aviation

[...]¹

Notes

- 1 Repealed by Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019/645 Pt 3(1) reg.10 (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))

Extent

art. 7 United Kingdom

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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 (Retained EU Legislation)
art. 8



Law In Force

Version 2 of 2

31 December 2020 - Present

Subjects

Aviation

Article 8

[...]¹2.

[The CAA]² may grant exemptions from the technical requirements and administrative procedures specified by this Regulation in the case of unforeseen urgent operational circumstances or operational needs of a limited duration.

[...]³[...]⁴4.

[The Secretary of State]⁵ may adopt or maintain provisions relating to OPS 1.1105 point 6, OPS 1.1110 points 1.3 and 1.4.1, OPS 1.1115, and OPS 1.1125 point 2.1 of Subpart Q in Annex III [...]⁶ .

[...]⁷

Notes

- 1 Repealed by Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019/645 Pt 3(1) reg.11(2) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))
- 2 Words substituted by Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019/645 Pt 3(1) reg.11(3)(a) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))
- 3 Words repealed by Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019/645 Pt 3(1) reg.11(3)(b) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))

Notes

- 4 Repealed by Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019/645 Pt 3(1) reg.11(4) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))
- 5 Words substituted by Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019/645 Pt 3(1) reg.11(5)(a) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))
- 6 Words substituted by Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019/645 Pt 3(1) reg.11(5)(b) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))
- 7 Words substituted by Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019/645 Pt 3(1) reg.11(5)(b) (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))

Extent

art. 8 art. para1- art. United Kingdom
para4

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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 (Retained EU Legislation) art. 8a



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31 December 2020 - Present

Subjects

Aviation

[...]¹

Notes

- 1 Repealed by Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019/645 Pt 3(1) reg.12 (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))

Extent

art. 8a art. para1- art. United Kingdom
para2

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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 (Retained EU Legislation) art. 9



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31 December 2020 - Present

Subjects

Aviation

[...]¹

Notes

- 1 Repealed by Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019/645 Pt 3(1) reg.12 (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))

Extent

art. 9 United Kingdom

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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 (Retained EU Legislation) art. 10



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31 December 2020 - Present

Subjects

Aviation

[...]¹

Notes

- 1 Repealed by Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019/645 Pt 3(1) reg.12 (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))

Extent

art. 10(a)-(c) United Kingdom

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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 (Retained EU Legislation) art. 11



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Subjects

Aviation

[...]¹

Notes

- 1 Repealed by Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019/645 Pt 3(1) reg.12 (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))

Extent

art. 11 art. para1- art. United Kingdom
para2

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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 (Retained EU Legislation) art. 12



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Subjects

Aviation

[...]¹

Notes

- 1 Repealed by Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019/645 Pt 3(1) reg.12 (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))

Extent

art. 12 art. para1- art. United Kingdom
para4

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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 (Retained EU Legislation) art. 13



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31 December 2020 - Present

Subjects

Aviation

[...]¹

Notes

- 1 Repealed by Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019/645 Pt 3(1) reg.12 (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))

Extent

art. 13 art. para1- art. United Kingdom
para2

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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 (Retained EU Legislation) art. 14



Law In Force

Version 1 of 1

Date not available - Present

Subjects

Aviation

Article 14

This Regulation shall enter into force on 1 January 1992.

Extent

art. 14 United Kingdom

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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 (Retained EU Legislation) Signatures



Law In Force

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31 December 2020 - Present

Subjects

Aviation

[...]¹

Done at Brussels, 16 December 1991.

For the Council

The President

H. Maij-Weggen

Notes

- 1 Words repealed by Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019/645 Pt 3(1) reg.13 (December 31, 2020: shall come into force on IP completion day not exit day as specified in 2020 c.1 s.39(1) and Sch.5 para.1(1))

Extent

Signatures

United Kingdom

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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 (Retained EU Legislation)
para. 1



Law In Force

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Date not available - Present

Subjects

Aviation

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

Extent

Ann. I para. 1 United Kingdom

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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 (Retained EU Legislation)
para. 1



Law In Force

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Date not available - Present

Subjects

Aviation

Provision repealed before document was retained.

Extent

Ann. II para. 1 United Kingdom

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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 (Retained EU Legislation) para. 1



Law In Force With Amendments Pending

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Date not available - Present

Subjects

Aviation

Provision repealed before document was retained.

Extent

Ann. III para. 1 United Kingdom

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