



21ST TSC LEGAL INFORMER



SPRING 2018

New Air Quality Certificate Required in Certain French Cities

by Mr. Joerg Modellmög

Air pollution in European cities is an increasing problem. You should already be familiar with the German Environmental Decal ("Umweltplakette") on your privately owned vehicle (POV). That sticker displays a color and a number corresponding to your vehicle's pollutant emissions. The most environmentally friendly vehicles currently receive a "green 5" sticker.

The French have introduced a similar but slightly more sophisticated concept that allows cities to put their city centers off-limits for any POV failing to meet the required "Air Quality Certificate" ("Certificat Qualité de l'Air" or "CRIT Air"). They created six classes for CRIT Air, certifying a vehicle's environmental class based on pollutant emissions.

Many French cities have already implemented these rules, including Paris, Lille and Grenoble. The latest city to join is Strasbourg. When entering the city, signs will be posted to show which level of CRIT Air is in force - if any.

Since November 1, 2017 POVs without the posted CRIT Air will not be allowed to drive in Strasbourg and could face a fine of up to €135. If caught, you will be required to pay the fine even if your POV would qualify for the required CRIT Air but you have not obtained and posted the certificate in your POV.

Regrettably, there is no European Union regulation that harmonizes this field of environmental law (yet). Therefore, your German decal won't work in France. However, you can apply for a CRIT Air (cost: €4.80) online at the following official website, which is available in English: <https://www.certificat-air.gouv.fr/en>.

LA TRANSITION ÉNERGÉTIQUE pour le CRÉCISSEMENT VERTE

Les différentes catégories du certificat sur la qualité de l'air

Voiture particulière :
Norme Euro (inscrite sur carte grise) ou date de 1^{re} immatriculation

Essence et autres	Diesel
Tous les véhicules 100% électriques et hydrogènes	
Tous les véhicules gaz et les véhicules hybrides rechargeables	
Euro 5 et 6 À partir du 1 ^{er} janvier 2011	
Euro 4 Entre le 1 ^{er} janvier 2006 et le 31 décembre 2010 inclus	Euro 5 et 6 À partir du 1 ^{er} janvier 2011
Euro 2 et 3 Entre le 1 ^{er} janvier 1997 et le 31 décembre 2005 inclus	Euro 4 Entre le 1 ^{er} janvier 2006 et le 31 décembre 2010 inclus
Euro 4 Entre le 1 ^{er} janvier 2001 et le 31 décembre 2005 inclus	Euro 3 Entre le 1 ^{er} janvier 2001 et le 31 décembre 2005 inclus
Euro 5 Entre le 1 ^{er} janvier 1997 et le 31 décembre 2000 inclus	Euro 2 Entre le 1 ^{er} janvier 1997 et le 31 décembre 2000 inclus

Pour obtenir son certificat qualité de l'air
www.certificat-air.gouv.fr

@ecologieenergie #allbody

IN THIS ISSUE:

- New Air Quality Certificate Required in French Cities
- Lower Drunk Driving Limits in Europe
- Financial Bank Account Report
- Funded Legal Education Program
- New Speed Limit in France

The 21st TSC Legal Informer is the newsletter of the 21st Theater Sustainment Command (TSC) Office of the Staff Judge Advocate.

Our mission is to provide outstanding legal support to Soldiers, Civilian Employees and Family Members assigned to or supported by the 21st TSC. Our headquarters is located in Kaiserslautern, Germany. We have branch offices in Baumholder and Stuttgart, Germany, Mons, Belgium, and Schinnen, the Netherlands.

**Copies of this and previous newsletters may be found at:
<http://www.eur.army.mil/21tsc/SJA.asp>**

Lower Drunk Driving Limits in Europe

by Mr. Pete Masterton

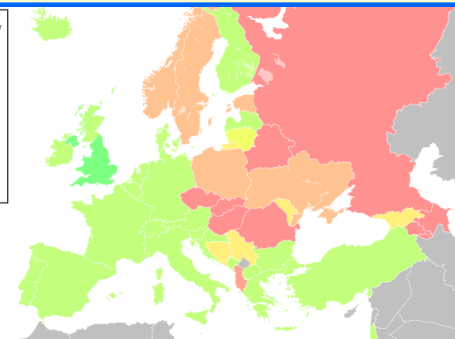
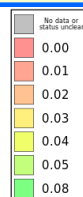
Most countries in Europe have a lower legal limit for drunk driving than American standards. In most countries, including Germany, the legal blood alcohol level for operating a motor vehicle is .05 percent (measured in grams per 100 milliliters of blood). In some countries the legal limit is actually zero percent. Germany imposes a legal limit of zero percent for drivers with less than 2 years of experience and drivers who are under the age of 21. By way of contrast, the military standard for drunk driving under Article 111 of the Uniform Code of Military Justice is .10 percent.

Under Army in Europe Regulation 190-1, Soldiers, Civilian Employees and Family Members who operate a motor vehicle with a blood alcohol level of .05 percent are subject to a mandatory suspension of driving privileges for 90 days. This offense will be reported as “driving while impaired” in violation of Article 134 of the Uniform Code of Military Justice for Soldiers and as a regulatory offense for civilians. Soldiers and civilians who operate a motor vehicle with a blood alcohol level of .08 percent or higher will have their driving privileges revoked. In addition, Soldiers must receive a reprimand from a General Officer if they operate a motor vehicle with a blood alcohol content of over .08 percent. General officers may also issue reprimands to Soldiers who operate a motor vehicle with a blood alcohol level between .05 and .08 percent. As mentioned above, Soldiers are also subject to conviction of the more serious offense of drunk driving if they operate a motor vehicle with a blood alcohol level of .10 percent or higher.

Additional confusion is caused by the different units used by the German and American police when measuring alcohol levels. The German police breathalyzer measures breath-alcohol concentration in milligrams per liter of breath; the U.S. military police measures blood-alcohol levels in grams per 100 milliliters of blood. The German breath-alcohol levels can be converted into U.S. blood-alcohol levels by applying a 2100:1 blood/breath ratio. As a result a German breath alcohol reading of .24 converts to a U.S. blood alcohol level of .05 percent—which is above the legal limit mentioned above.

Americans driving in Europe need to be aware of the lower legal limits for drunk and impaired driving. As always, the best advice is not to drive if you have consumed alcohol.

Drunk Driving Limits in Europe



Financial Bank Account Report (FBAR)

The new deadline for filing Financial Bank Account Reports with the Department of Treasury is April 15, 2018. If you had over \$10,000 in a foreign bank account (or accounts, in the aggregate) at any time during 2017, you must file a FBAR by the deadline. This must be done online using FinCEN Form 114 (the old paper FBAR form is obsolete). More information is available at the IRS web site: <https://www.irs.gov/businesses/small-businesses-self-employed/report-of-foreign-bank-and-financial-accounts-fbar>.

On-post credit unions and the Community Bank are not considered foreign banks for FBAR purposes, but Postbank and Sparkasse accounts are. There are criminal penalties for not filing a FBAR. If you should have been filing FBARs in the past and failed to, you should make an appointment to see an attorney.



Funded Legal Education Program

The Army Office of The Judge Advocate General in Washington, D.C., will soon be accepting applications for the Army's Funded Legal Education Program. Under this program, the Army sends active duty commissioned officers to law school at government expense. Selected officers will attend law school beginning the fall of 2019 and will remain on active duty while attending law school.

Interested officers should review the Chapter 10 of Army Regulation 27-1 to determine their eligibility. Information on the program can be accessed through the Army Judge Advocate Recruiting Office web site at <https://www.jagcnet.army.mil/JARO#>.

The Army Funded Legal Education Program is open to commissioned officers in the rank of second lieutenant through captain. Applicants must have at least two, but not more than six, years of total active Federal service at the time legal training begins. Eligibility is governed by statute (10 U.S.C. section 2004) and is non-waivable.

Eligible officers interested in applying should immediately register for the earliest offering of the Law School Admission Test. Applicants must send their request through command channels, to include the officer's branch manager at AHRC. Send the original application to the Office of The Judge Advocate General, ATTN: DAJA-PT (ATTN: Ms. Yvonne Caron, Pentagon Room 2B517), 2200 Army Pentagon, Washington, DC 20310, to be received by 1 November 2018. Submission of the application well in advance of the deadline is advised.

Interested officers should contact their local Staff Judge Advocate for further information. The 21st Theater Sustainment Command Office of the Staff Judge Advocate is located in Building 3004 on Panzer Kaserne in Kaiserslautern. You can reach the office at DSN 523-0489 or civilian 0611-143-523-0489.



21st TSC Legal Offices

Kaiserslautern

Kleber Kaserne, Bldg. 3210

Legal Assistance: DSN 483-8848/6782

Tax Assistance: DSN 483-8848

Claims: DSN 483-8855/8856

International Law: DSN 483-8854/8859

Trial Defense Service: DSN 483-8397

(Civilian: +49-631-411-XXXX)

Panzer Kaserne, Bldg. 3004

Administrative Law: DSN 523-0470

Criminal Law: DSN 523-0488

Special Victim Team: 523-0526

(Civilian: +49-0611-143-523-XXXX)

Baumholder Law Center

Smith Barracks, Bldg. 8222

Legal Assistance: DSN 531-2445

Trial Defense Service: DSN 531-2463

(Civilian: +49-611-143-531-XXXX)

Stuttgart Law Center

Kelley Barracks, Bldg. 3312

Legal Assistance: DSN 421-4152

(Civilian: +49-711-729-4152)

Northern Law Center

SHAPE (Mons, Belgium), Bldg. 318

Legal Assistance: DSN 423-4910 or

4868

(Civilian: +32-65-44-4910 or 4868)

Netherlands Law Center

Schinnen, Bldg. 37

Legal Assistance: DSN 360-7688

(Civilian: +31-464-43-7688)



New Speed Limit in France

by Mr. Joerg Modelmog

Effective July 1, 2018, the speed limit on French secondary roads will change. It is currently 90 km/h (56 mph) and will be lowered to 80 km/h (50 mph). In France the number of persons killed in traffic accidents has been on the rise for the past 3 years. Most of these accidents occurred on secondary roads. Therefore, the new

FRANCE

50



80



Effective July 2018

130



110



speed limit serves as countermeasure and will be enforced by increased speed checks. The French government promised to re-evaluate the situation in 2020 based on new statistical data.

OSJA Personnel Honored



On 7 February 2018 a number of OSJA civilian personnel were given length-of-service awards. Among the honorees were Mr. Geier from Baumholder and Ms. Martins-Goncalves and Ms. Dunn from Kaiserslautern..

Tax Centers Open



Above are pictures of the Baumholder Tax Center opening on 5 February, the Stuttgart Tax Center opening on 7 February and the Kaiserslautern Tax Center opening on 8 February.

Legal Outreach



On 1 December 2017 the 21st TSC OSJA hosted a mock trial for German law students at the University of Saarbrücken. This picture shows CPT Daniels (seated at left), who served as the judge, and Mr. Postma (standing at right) who served as the chief prosecutor.

KAISERSLAUTERN LEGAL ASSISTANCE OFFICE

Directions to Kleber Kaserne: From Vogelweh, Ramstein, or Landstuhl take the A6 direction Mannheim. On your right you will see a large store called Möbel Martin. Make sure you are in the right lane as you take the Kaiserslautern Ost Ausfahrt (exit). Turn right as you leave the exit ramp and drive downhill until you reach a stop light. Proceed straight ahead at the intersection and follow the priority road as it curves to the right behind the Real store. Enter Kleber Kaserne by the east gate. Turn right after passing the clinic. Drive north until you reach an intersection with 4 stop signs. Bldg. 3210 sits to the left of that intersection. Parking on Kleber Kaserne is difficult—allow a few extra minutes to circulate until you find an open spot. Enter Bldg. 3210 from the door on the east end of the building.

