November 14, 2004

Mr. Raymond C. Speciale

[redacted]

Re: Application of 14 CFR § 61.3(a)(1)

Dear Mr. Speciale:

This letter responds to your August 17, 2004, request for interpretation of 14 CFR § 61.3(a). You present the following facts: A client holds a commercial pilot certificate issued by the Kingdom of Belgium. On the face of the license there is a statement indicating that it is a "Kingdom of Belgium, Joint Aviation Authorities, Flight Crew License." Your client does not hold a U.S.-issued pilot certificate and operates a U.S.-registered civil aircraft in accord with the Federal regulations. The question presented is whether under 14 CFR §61.3(a), the pilot is permitted to operate a U.S.-registered aircraft in any foreign country in which his Belgian/JAA pilot license is recognized. As explained below, the Federal regulations under Title 14 of the Code of Federal Regulations (14 CFR) and the U.S. obligations under Article 1 of the 1944 Convention on International Civil Aviation (the Chicago Convention)[1] do not permit such action.

Section 61.3(a) (1) of the Federal regulations states "when [an] aircraft is operated within a foreign country, a current pilot license issued by the country in which the aircraft is operated may be used." A strict reading of the rule requires that the country of issuance of the pilot's license match the country in which the aircraft is operated. The FAA, through an interpretation, cannot extend the meaning of "country" under § 61.3 to include JAA member States. Additionally, Article 32a of The Chicago Convention requires that a pilot license match the state of registration of the aircraft, unless a validation is made. The FAA made a

[1] The Chicago Convention is the basic multilateral international convention on civil aviation and was entered into force on April 4, 1947. Convention on International Civil Aviation, December 7, 1944.; 61 Stat. 1180 T.I.A.S. No. 1591, 15 U.N.T.S. 295 (amended several times since enactment).

specific grant of validation respecting the Belgian license whereby a U.S.-registered aircraft may only be flown within Belgium by a Belgian licensed pilot. No JAA agreement can extend that specific validation.

We trust this letter responds to your inquiry. Should you have additional questions, please do not hesitate to contact us.

Sincerely,

Rebecca B. MacPherson
Assistant Chief Counsel for
Regulations