U.S. Department
of Transportation
**Federal Aviation
Administration**

Office of the Chief Counsel

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Washington, D.C. 20591

AUG - 6 2014

Henning Grossman
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Dear Mr. Grossman:

This letter responds to your request submitted to the Frankfurt International Field Office on March 13, 2014. The FAA Flight Standards Service referred this issue to my office with a request for legal interpretation.

Under the facts you have provided, your insured pilot was operating a U.S.-registered Piper PA 46 airplane in Germany when he crashed. This accident resulted in an insurance claim for hull damage to the airplane. At the time of the accident, the pilot held: (1) a German private pilot license without a required type rating for the Piper PA 46; and (2) an FAA private pilot certificate with an airplane category single engine-land class rating obtained on the basis of his German license. The pilot claimed that he was exercising the privileges of his validated FAA pilot certificate at the time of the accident.

You have suggested that, because the pilot did not have a Piper PA 46 type rating on his German license, he did not have the appropriate ratings to operate the airplane. You suggest that the absence of that type rating constitutes a restriction on his German license that would prevent him from operating a Piper PA 46 under the privileges of his FAA certificate.[1]

Under FAA regulations, there is no type rating required to operate the Piper PA 46. Instead, to act as pilot in command of the Piper PA 46, the holder of an FAA pilot certificate would need an airplane category single engine-land class rating, a complex airplane endorsement and a high performance airplane endorsement in his or her logbook as prescribed in 14

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[1] Section 61.75(e) states that a person who receives a U.S. private pilot certificate on the basis of a foreign license: (1) may act as pilot in command of a civil aircraft of the United States in accordance with the pilot privileges authorized by this part and the limitations placed on that U.S. pilot certificate; (2) is limited to the privileges placed on the certificate by the Administrator; and (3) is subject to the limitations and restrictions on the person's U.S. certificate and foreign pilot license when exercising the privileges of that U.S. pilot certificate in an aircraft of U.S. registry operating within or outside the United States[.]"

C.F.R. § 61.31. In addition, the pilot would have to be current under the requirements of § 61.57.

The FAA views aircraft ratings as privileges for operating certain aircraft. Although a person may not operate an aircraft without holding the appropriate ratings, the FAA has not considered the absence of a rating as a restriction on a person's pilot certificate. Rather, a restriction on a pilot certificate is an express limitation on the exercise of an existing privilege. For example, the FAA requires an applicant for a private pilot certificate with an airplane category single engine-land class rating to complete night flight training. The regulations, however, permit pilots who receive flight training in Alaska to forego the night flight training requirement for certification. For those pilots who do not complete night flight training, the FAA issues the certificate with a limitation that states: "Night flying prohibited." The pilot holds privileges to operate a single engine airplane but is restricted to flying in daytime conditions.

In your scenario, the pilot held the appropriate ratings under FAA regulations to operate a Piper PA 46. If the pilot held the proper logbook endorsements and was current under the regulations, the FAA would not consider the pilot to have acted inconsistently with its regulations. Further, the FAA notes that there was no express limitation or restriction stated on the German license that would have prohibited the operation of the Piper PA 46. See Legal Interpretation to Andrew Krausz (Mar. 22, 2012).

In providing this response, the FAA notes that our interpretation addresses only the requirements to operate a U.S.-registered aircraft under our regulations. Our conclusion in no way limits another country's ability to impose other pilot certification requirements for flights operated within that country's airspace.

This response was prepared by Anne Moore, an attorney in the International Law, Legislation, and Regulations Division of the Office of the Chief Counsel and coordinated with the General Aviation and Commercial Division of the Flight Standards Service. If you have any additional questions regarding this matter, please contact my office at (202) 267-3073.

Sincerely,

Mark W. Bury
Assistant Chief Counsel for International Law,
Legislation, and Regulations