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

Office of the Chief Counsel

**800 Independence Ave., S.W.
Washington, D.C. 20591**

NOV 19 2014

Allen Groves
[redacted]

Re: Effect of the amendment to Standard 2.1.10 in Annex 1 to the Convention on International Civil Aviation on pilot pairing requirements in title 14 of the Code of Federal Regulations

Dear Mr. Groves:

This letter is provided in response to your request for information sent to me on August 11, 2014. Your request sought information regarding Federal Aviation Administration (FAA) action in response to a recent amendment to Standard 2.1.10 in Annex 1 (Personnel Licensing) to the Convention on International Civil Aviation.

Until November 13, 2014, Standard 2.1.10 required a person between the age of 60 and 65 serving as pilot in command (PIC) of an airplane with two or more pilots, in international commercial air transport operations, to be paired with a pilot younger than 60 years of age. However, during a meeting of the International Civil Aviation Organization (ICAO) Council on March 3, 2014, Council members adopted Amendment 172 to Annex 1, Personnel Licensing. The amendment removed the requirement in Standard 2.1.10 to pair a PIC over age 60 with a pilot under age 60. Without the pairing requirement, all pilots on multi-pilot crews serving in international air transport commercial operations may continue to serve as long as they have not reached 65 years of age.[1] The implementation of Amendment 172 to Annex 1, Personnel Licensing, took place on November 13, 2014.

We have determined that the recent ICAO amendment triggers the sunset of the statutory authority in 49 U.S.C. § 44729(c)(1) that provides the basis for the pilot pairing limitations in title 14 of the Code of Federal Regulations. *See* 14 CFR §§ 61.3(j)(2), 61.77(g) and 121.383(d)(2) and (e)(2). Accordingly, the FAA Chief Counsel recently issued a notice in the Federal Register describing the enforcement policy and anticipated actions in response to the ICAO amendment. *See* 79 Fed. Reg. 67346 (Nov. 13, 2014). I have enclosed a copy of this policy for your review.

[1] Amendment 172 to Annex 1, Personnel Licensing, does not affect the maximum age permitted for pilots of engaged in single-pilot operations. Pilots serving in single-pilot operations must be below 60 years of age.

This response was prepared by Sara Mikolop, an attorney in the in the International Law, Legislation, and Regulations Division of the Office of the Chief Counsel, and coordinated with the Air Transportation Division of the Flight Standards Service. If you have 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, AGC-200

Enclosure