

ICAO

CIRCULAR

CIRCULAR 68-AN/60



1964

PRIVILEGES GRANTED TO FOREIGN PRIVATE PILOTS AND TO FOREIGN OWNERS OF PRIVATE AIRCRAFT

Published under the authority of the Secretary General

**INTERNATIONAL
CIVIL AVIATION
ORGANIZATION**
MONTREAL • CANADA

AVA Documents
Document Sharing Hub

Published in separate English, French and Spanish editions by the International Civil Aviation Organization. All correspondence, except orders and subscriptions, should be addressed to the Secretary General of ICAO, International Aviation Building, 1080 University Street, Montreal 3 (Quebec), Canada.

Orders for this publication should be sent to one of the following addresses, together with the appropriate remittance (by bank draft or post office money order) in U.S. dollars or the currency of the country in which the order is placed or in a freely convertible currency:

Regional Offices

France: Représentant de l'OACI, Bureau Europe, 60 bis, avenue d'Iéna, Paris, XVI^e.

Peru: Representante de la OACI, Oficina Sudamérica, Apartado 4127, Lima.

Senegal: Représentant de l'OACI, Bureau Afrique, Boîte postale 2356, Dakar.

Thailand: ICAO Representative, Far East and Pacific Office, P.O. Box 614, Bangkok.

United Arab Republic: ICAO Representative, Middle East Office, 16 Hassan Sabri, Zamalek, Cairo.

Sales Agencies

Argentina: Editorial Sudamericana S.A., Calle Alsina 500, Buenos Aires.

Australia: Robertson and Mullens, 107 Elizabeth Street, Melbourne, C. 1.

Canada: Department of Public Printing and Stationery, Ottawa (Ontario).

India: Oxford Book & Stationery Co., Scindia House, New Delhi or 17 Park Street, Calcutta.

Mexico: Editorial Hermes S.A., Ignacio Mariscal 41, México 4, D.F.

New Zealand: Government Printer, Government Printing Office, 20 Molesworth Street, Wellington.

United Kingdom: Her Majesty's Stationery Office, P.O. Box 569, London, S.E. 1.

International Civil Aviation Organization (Attention: Distribution Officer), International Aviation Building, 1080 University Street, Montreal 3 (Quebec), Canada.

Do you receive the ICAO BULLETIN?

The ICAO Bulletin contains a concise account of the activities of the Organization as well as articles of interest to the aeronautical world.

The Bulletin will also keep you up to date on the latest ICAO publications, their contents, amendments, supplements, corrigenda, and prices.

**Available in three separate editions: English, French and Spanish.
Annual subscription: U.S. \$2.00.**

TABLE OF CONTENTS

	<u>Page</u>
FOREWORD	1
SECTION 1. - Summary of the Practices of States in Granting Validations to Holders of Foreign Private Pilot Licences	4
SECTION 2. - Summary of the Practices of States in Permitting the Use of R/T by Aliens Flying Locally Registered Aircraft in a Private Capacity	6
SECTION 3. - Summary of the Practices of States for Entering in Their National Register Private Aircraft Owned by Foreigners	7
SECTION 4. - APPENDIX A Special Requirements of Some States for the Validation of Foreign Private Pilot Licences	8
APPENDIX B Special Requirements of Some States for Permitting the Use of R/T by Foreign Private Pilots	11
APPENDIX C Special Requirements of Some States for the Registration of Aircraft Owned by Foreigners	13
SECTION 5. - Tabulation of Summaries	17

PRIVILEGES GRANTED TO FOREIGN PRIVATE PILOTS
AND TO FOREIGN OWNERS OF PRIVATE AIRCRAFT

FOREWORD

In February 1947, the use and registration of aircraft by non-nationals was discussed at an Airworthiness Division of ICAO. Some of the legal aspects of this matter were also studied by the Secretariat and brought to the Air Transport Committee of ICAO at the end of 1949. No definitive action was suggested nor was any taken. In August 1952, a study was made of the problems affecting those private pilots away from home who wished to use their licences abroad; the use by such pilots of radiotelephony when flying abroad; and the question of the private ownership of aircraft by alien residents.

A letter was then sent by the President of the Council to Representatives of States on the Council of ICAO asking for information on these three points and in 1953 a short memorandum (No. 102) was issued analyzing the information received. This was followed by a revised memorandum (No. 114) at the end of 1954. Memorandum No. 114, as in the case of the previous memorandum, was sent to Council Representatives only and it gave details on the status of privileges granted to alien private pilots and to alien owners of private aircraft. These details also showed the extent to which various States were prepared to allow alien private pilots to use the aircraft radio-telephone. Altogether the information included the replies received on these matters from the twenty-one States then forming the Council. The Fédération Aéronautique Internationale (FAI) was kept informed.

In 1961, the PEL/MED Division made a recommendation as follows:

"Recommendation No. 8/2 - FLIGHT INFORMATION DATA FOR THE
ENCOURAGEMENT OF PRIVATE FLYING,
AND THE WIDER RECOGNITION OF THE
TECHNICAL EQUIVALENCE OF LICENCES

That since private pilots are travelling to foreign countries in large numbers and desiring to rent aircraft to fly for pleasure or private business and it being desirable to encourage them to do so and for them to obtain authorization to pilot aircraft in those countries where aircraft may be obtained for this purpose, the present practices of States regarding the procedures applied to permit such activities by foreign private pilots be obtained by the Organization and disseminated in a suitable form to all States so as to give the necessary guidance and assistance both to pilots and to States. "

This Recommendation of the PEL/MED Meeting arose out of an "exchange of views on the international application of licences with particular reference to the inter-State acceptance of their technical value". The Meeting wished to encourage the most liberal practices possible, and hoped that a stage would eventually be reached where comprehensive technical re-examination of a pilot already holding a licence would not be required when he went to another country and wanted to fly in that country.

Subsequently, the Council approved this Recommendation on the understanding that the Secretary General was to obtain the necessary information from States and circulate it in an appropriate form.

It was also noted that many States required a "condition of reciprocity" to exist before any privileges would be granted to visiting private pilots. On this, the Meeting said in its Report, "other States explained they too had tried this method but had had to renounce it since they found it defeated the objective of attempting to secure a wider general recognition of each others' licences". It will be seen, however, from the details given in this Circular that this "condition of reciprocity" is still very much in evidence.

In May 1963, the Secretary General of ICAO sent a letter to all Contracting States. In it he explained that there were three elements to this problem, which were described in the following terms:

1. Pilots away from home

The first concerns the pilot who holds a licence from his own State, who is temporarily resident or visiting abroad, and who wishes to fly, by rental or otherwise, aircraft registered in the State that he is visiting. The common practice at present appears to be that such a pilot must first have his licence validated by the State of registry of the aircraft that he wishes to fly; and such validation still appears in many cases to be a very formal and time-consuming process, almost equivalent to the initial securing of a licence. While Article 32 of the ICAO Convention requires for international flight that the pilot's licence be either issued or validated by the State of the aircraft's registry, it does not define the way in which validation shall be accomplished.

2. Use of air-ground radiotelephony by foreign pilots

A closely allied problem is that of the use of radio-telephone by the pilots referred to in the preceding section - those who are away from home and wishing to fly locally registered aircraft. Dependence upon radio is increasing to the point where permission to fly may be of little practical use, at least for a cross-country trip, unless permission to use the radio-telephone goes with it. Foreign pilots bringing in their own aircraft with them are, by Article 30 of the ICAO Convention, allowed the use of radio transmitting apparatus in accordance with the regulations of the State overflown; however, if they wish to fly locally registered aircraft and to use a radio, they are likely to encounter the requirement that they must possess a locally issued radio licence. Many Governments issue such licences only to their own nationals, without provision for the foreign pilot. In such cases there is no apparent way for the pilot to obtain authorization to use the radio.

3. Registration of aircraft owned by aliens

Many States register only aircraft owned by their own nationals, and do not register aircraft belonging to aliens even if these aliens are resident in the State. The aircraft concerned have to be registered in some other State and, in the case of the private owner, this almost always means the State of which he is a citizen. The result is that the place where the aircraft

is based and the place where it is registered are often far apart, with all the attendant administrative, maintenance and other difficulties that follow from this separation.

States were asked that, in their replies, they should explain in the simplest possible terms the actual effect of their laws or practices in respect of these three elements. Replies have been received from fifty-three States. The length and complexity of these has made it necessary to attempt to summarize the replies and this has been done, in both tabular and written form, in this Circular.

- - - - -

SUMMARY OF INFORMATION RECEIVED ON STATES' PRACTICES
IN GRANTING PRIVILEGES TO FOREIGN PRIVATE PILOTS
AND TO FOREIGN OWNERS OF PRIVATE AIRCRAFT

SECTION 1. - Practices of States in granting validations to holders of foreign
private pilot licences

"BASIC REQUIREMENT" - This consists of requiring the applicant who wishes to fly locally registered aircraft in a private capacity:

- a) to be holder of a valid private pilot licence issued in compliance with Annex 1 specifications; and
- (Note. - The most liberal regulations require only this one item, e. g. Netherlands, Norway, Sweden - see Appendix A)
- b) to present his personal flying log book, or other evidence, for assessment of his having maintained competency; and
- c) to submit a written application and a small fee to the Licensing Authority.

1. 1 States that have indicated requirements not exceeding the "Basic Requirement":

Belgium	Ghana	Madagascar
Cameroon	Greece	Pakistan
Chile	Iran	Senegal
Congo (Léopoldville)	Ireland	Sudan
Dahomey	Israel	Tunisia
El Salvador	Jamaica	Turkey
France	Laos (1 week)	United Kingdom
Germany (Fed. Rep.)	Liberia	

- - - - -

1. 2 States that have indicated a requirement that a condition of reciprocity or an agreement with the State having issued the licence is necessary in addition to the "Basic Requirement":

Argentina	Indonesia	Philippines
Austria	Luxembourg	Spain
Honduras	Paraguay	Thailand

- - - - -