



## Research Request:

### **International Operations—Pilot Age Requirements for Part 91 Operations**

## Research Response:

### [NBAA —International Operations](#)

For international operators, attention has been given to the Age 60 topic in the form of an ICAO rule change. The new provisions became applicable on November 23, 2006 and read as follows (ICAO Annex 1, Chapter 2, paragraph 2.1.10):

- ⇒ 2.1.10.1 A Contracting State, having issued pilot licences, shall not permit the holders thereof to act as pilot-in-command of an aircraft engaged in international commercial air transport operations if the licence holders have attained their 60th birthday or, in the case of operations with more than one pilot where the other pilot is younger than 60 years of age, their 65th birthday.
- ⇒ 2.1.10.2 Recommendation — A Contracting State, having issued pilot licences, should not permit the holders thereof to act as co-pilot of an aircraft engaged in international commercial air transport operations if the licence holders have attained their 65th birthday.

This rule change has little direct impact upon private (Part 91) operations – crew members operating under Part 91, who are over the age of 60, may act as PIC of an aircraft on international flights.

It does, however, affect commercial operators, including Part 135 charter operators. Basically, the new rule states that, in commercial operations (for “remuneration or for hire”) where more than one pilot is required, one must be less than 60 years of age, and the other must be less than 65 years of age, with a medical issued within the preceding 6 months.

It should be noted that there are countries which do not adhere to the ICAO rules. Further, not all countries differentiate between commercial and private operations in the same way that the US or ICAO does. Therefore, all flightcrews operating internationally should always check the requirements for their destination country prior to their flight.

## International Flight Information Manager (IFIM)

The International Flight Information Manager (IFIM) is an on-line pre-flight planning guide for use by U.S. non-scheduled operators and business and private aviators flying outside of the United States. Planning guidance also is provided for international flights entering, exiting, and operating in the U.S. airspace. The accuracy and currency of information for some of the countries contained in this guide is uncertain due to the difficulty in obtaining the information and the rapidly changing world environment.

Because the Federal Aviation Administration has not been able to verify the information provided by sources in other countries, aviators should always check with a country's aviation authority or a local aviation handler when planning a trip outside of the United States.

## NBAA - Application of Article 33 of the Chicago Convention

Article 33 of the Convention on International Civil Aviation (often quoted as the "Chicago Convention") limits the international recognition of flight crew licences to those who are in full compliance with the Standards of Annex 1 (note that paragraph 2.1.10.1 is a Standard). As a result, up until November 23, 2006, even if an individual State authorized one crewmember to fly in commercial air transport operations when over the age of 65, that authorization could only be given for flights within that State's national airspace. This is because no State can force another State to accept its own deviation from an ICAO Standard. Now, with this rule change, the age limit is raised to 65 in the circumstances presented above. No ICAO member-State can refuse to allow a foreign commercial operator, in compliance with the SARP, from operating within their country.

Article 33 does not apply to the co-pilot as paragraph 2.1.10.2 is a Recommendation, not a Standard.

Articles 39 and 40 of the Convention are also relevant to the age limit of pilots-in-command engaged in commercial air transport operations as they authorize international flights by flight crew who are not meeting all international licensing Standards provided that an authorization is given by each State which airspace is used.

In practice, this means that if a pilot in command is under the age specified in paragraph 2.1.10.1 he cannot be prevented by reason of age from operating into any ICAO Contracting State. Further, once he has reached the specified age, he may still operate as PIC, subject to certain conditions:

⇒ his/her national Licensing Authority permits it; and,

- ⇒ operations are undertaken only in national airspace; unless,
- ⇒ another State has given specific authorization that such flights are permitted in its airspace.

When over 60, a six-monthly medical examination will be necessary (ICAO specifies an annual medical for those under 60 years who are engaged in two-pilot operations). For single-pilot commercial air transport operations, the upper age limit remains at 60 years.

Most of the States that have authorized their pilots to fly as pilot-in-command in commercial air transport operations after they reach the age specified in 2.1.10.1 also authorize pilots holding a license issued or validated by another States to fly in their own airspace under the same condition.

However, ICAO does not collect information on States authorizing pilots to fly in their airspace after reaching the age of 60 and cannot provide information on the subject. Pilots seeking such information must contact individual Civil Aviation Authorities.

## ICAO - Age Limit For Flight Crew

### **Amendment 167 to Annex 1**

The ICAO Council adopted on 10 March 2006 an amendment to Annex 1 — Personnel Licensing that increases by five years the upper age limit for commercial pilots operating two-pilot aircraft, subject to conditions. The new provisions become applicable on 23 November 2006 and read as follows:

- ⇒ 2.1.10.1 A Contracting State, having issued pilot licences, shall not permit the holders thereof to act as pilot-in-command of an aircraft engaged in international commercial air transport operations if the licence holders have attained their 60th birthday or, in the case of operations with more than one pilot where the other pilot is younger than 60 years of age, their 65th birthday.
- ⇒ 2.1.10.2 Recommendation.— A Contracting State, having issued pilot licences, should not permit the holders thereof to act as co-pilot of an aircraft engaged in international commercial air transport operations if the licence holders have attained their 65th birthday.

### **1) Pilot-in-Command aged 60-64 years of age**

In accordance with Article 33 of the Convention on International Civil Aviation, the amendment means that if a pilot-in-command (PIC) is 60 years of age or over but less than 65 years of age and is engaged in operations with more than one pilot, he/she cannot be prevented by reason of age from operating in airports or the airspace of any ICAO Contracting State as long as at least one other pilot is under 60 years of age. For single-pilot commercial air transport operations, the upper age limit remains at 60

years. A State may impose a lower maximum age limit than that specified by ICAO in § 2.1.10.1 for the licenses it issues but it cannot prevent, by reason of age, an aircraft from another State operated by a PIC holding a licence issued or validated by that State, who is below the ICAO upper age limit, from operating in the airspace above its territory.

## **2) Pilot-in-Command 65 years of age and over**

Articles 39 and 40 of the Convention are also relevant to the age limit of pilots-in-command engaged in commercial air transport operations as they authorize international flights by flight crew who do not meet all international licensing Standards, provided that an authorization is given by each State into which the aircraft is operated. Those seeking information concerning States that may authorize pilots to fly in their airspace after reaching the age of 65 years are advised to contact individual Civil Aviation Authorities.

## **3) Augmented crews**

In commercial long-range air transport, the designated flight crew may be augmented, and can number three, four or even more pilots. In the case of flight crew comprising more than two pilots, the intent of § 2.1.10.1 is to ensure that, when the pilot-in-command is over 60 but less than 65 years of age, the operating flight crew includes at least one other pilot, who is licensed, appropriately rated for all phases of flight, current, and younger than 60 years of age. It is suggested that during high workload phases of flight (such as flight below 10,000 feet above ground level) at least one pilot seated at the controls should be under 60 years of age.

## **4) Medical Assessment**

When over 60, a six-monthly medical assessment is necessary (ICAO specifies an annual medical assessment for those under 60 years who are engaged in two-pilot operations).

## **Definitions**

ICAO defines "scheduled air service" as "an air service open to use by the general public and operated according to a published timetable or with such a regular frequency that it constitutes an easily recognizable systematic series of flights" (source: "Manual on the Regulation of International Air Transport — Doc 9626").

"Air transport operation for remuneration or hire" is equivalent to "commercial air transport operation" that is defined by ICAO as "an aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire" (source: Annex 6 — Part I, International Commercial Air Transport — Aeroplanes).

The expression "remuneration or hire" means any kind of remuneration, whether monetary or other, which the operator receives from someone else for the act of transporta-

tion (source: "Policy and Guidance Material on the Economic Regulation of International Air Transport — Doc 9587", Part 1-7).

EASA (A-NPA 14-2006) defines Commercial Activity as: "a remunerated aeronautical activity covered by a contract between the operator and a customer where the customer is not an owner of the aircraft used for the purpose of this contract and the operator is not an employee of the customer".