



U.S. Department  
of Transportation  
Federal Aviation  
Administration

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Frank L. Polk, Esq.  
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900 City Place  
204 North Robinson  
Oklahoma City, OK 73102

Dear Mr. Polk:

### Temporary Registration Certificate

This will respond to your letters of September 24, and May 7, 1990. You have inquired therein as to the propriety of using a facsimile copy of a temporary registration certificate in satisfaction of the requirement of 14 CFR 91.27(a)(2) (recodified as 14 CFR 91.203(a)(2)) for overseas operation of a civil aircraft.

By way of background, a legal opinion issued by the FAA Chief Counsel on December 14, 1988, stated that the agency would not permit the use of a duplicate copy of an Application for Aircraft Registration ("pink copy") as temporary authority to operate an aircraft in international aviation (53 F.R. 50208). The opinion reasoned this prohibition is based on Section 1102(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. §1502(a)). Section 1102(a) requires the FAA Administrator to exercise his authority consistently with the treaty obligations of the United States, which include those of the Convention on International Civil Aviation ("Convention") (15 U.N.T.S. 295). Article 29 of the Convention requires, inter alia, that the civil aircraft of all signatory States, engaged in international navigation, carry a certificate of registration. It is the opinion of the FAA Chief Counsel that a pink copy, representing temporary authority to operate an aircraft, does not meet the requirements of Article 29. A certificate of registration, therefore, must be carried on board the aircraft if it is to be operated overseas.

As you have noted Section 91.203(a)(2) of the Federal Aviation Regulations ("FARs") requires that an aircraft carry on board a certificate of aircraft registration, which is consistent with Article 29 of the Convention.

The position taken by the FAA in the opinion obviously has an adverse economic impact on the aviation community with respect to registration of aircraft located overseas and on aircraft

preparing for international flights from the United States upon registration. Such aircraft may not be operated, pending the completion of registration and receipt of a Certificate of Registration.

In order to alleviate this hardship, the FAA Registry will, upon request, telex a copy of the certificate of registration to the individual identified on the application as the owner of the aircraft.

The telex reflects the information on the application for registration has been evaluated as a basis for aircraft registration. This telex may be used as a temporary certificate of registration, until the original certificate is forwarded to the aircraft owner. Since the telex is a form of aircraft registration, owners who wish to operate an aircraft in overseas aviation as soon as possible, may use it as a temporary certificate of registration in satisfaction of Article 29 of the Convention.

As you are aware, a telex may be sent by the Registry within a matter of days (usually 48 hours) after a request is made by the owner. You have pointed out, however, that a delay of one or two days in the arrival of a telex from the Registry, may have an adverse economic impact on the owner of an aircraft. This may be true for owners, or their lessees, who have scheduled a commercial (i.e., revenue generating) flight shortly after closing a transaction for an aircraft and submitting an application for registration. You have inquired, consequently, as to whether the use of a facsimile copy of a temporary registration certificate will satisfy the requirements of FAR Section 91.203(a)(2) and Article 29 of the Convention. You have posed this inquiry because a facsimile copy of the temporary certificate can be transmitted within hours of its issuance since facsimile equipment is more readily available than equipment used for a telex. A facsimile copy, then, will arrive several hours or an entire day before a telex transmitted by the Aeronautical Center Communications Center.

It appears that your inquiry raises a question as to the proper form of a temporary certificate of registration. We are of the opinion that the form of the temporary certificate is inconsequential, as long as the document, whether it is facsimile or telex form, reflects that the Registry has confirmed that an aircraft is eligible for registration and is registered. When the Registry issues the transmittal, indicating that the message is to be carried aboard the aircraft as a temporary certificate of registration, the form of the message carried on board the aircraft is of no consequence. ~~Therefore, a facsimile transmittal of the temporary certificate of registration will be acceptable for purposes of operating a civil aircraft in international~~

~~the transmittal may be made by a representative of the owner, such as an aircraft title company or a law firm~~

If you have questions on this matter, you may contact Al Rodriguez of this office at (405) 680-3296.

Sincerely,



Joseph R. Standell  
Assistant Chief Counsel  
for the Aeronautical Center