

 <small>NATIONAL CIVIL AVIATION AGENCY</small>	<p style="text-align: right;">SUPPLEMENTARY INSTRUCTION - IS IS No. 129-001 Revision C</p>	
Approval:	<u>Ordinance No. 9,783/SPO, issued on November 20th, 2022</u>	
Subject:	Procedures related to the operation of foreign air carriers in Brazil	Source: SPO
Issue Date:	December 8th, 2022.	
Effective Date:	January 2nd, 2023.	

1. OBJECTIVES

- 1.1 Provide a method of compliance with the requirements established by the Brazilian Civil Aviation Regulation - RBAC 129 to foreign air carriers that operate or intend to operate international air transport services in Brazil.
- 1.2 Present procedures for foreign air carriers to obtain authorization to operate scheduled flights in Brazil, according to RBAC 129.
- 1.3 Present procedures to modify operations which have already been authorized according to RBAC 129.
- 1.4 Present procedures for foreign air carriers to obtain authorization to operate non-scheduled flights, according to RBAC 129.

2. REVOCATION

This Supplementary Instruction revokes Supplementary Instruction No. 129-001, Revision B.

3. LEGAL GROUNDS

- 3.1 Article 14 of Resolution No. 30, issued on May 21st, 2008, establishes the Supplementary Instruction - IS, a general supplementary rule issued by the competent Department with the aim of clarifying, detailing, and guiding the application of standards defined by Brazilian Civil Aviation Regulations (RBAC) or Brazilian Regulations on Aeronautical Certification (RBHA).
- 3.2 Regulated parties who, for any purpose, intend to demonstrate compliance with standards provided in RBAC or RBHA may:
 - a) adopt means and procedures previously specified in Supplementary Instruction; or
 - b) present duly justified alternative means or procedures. In this case, analysis and explicit agreement from ANAC's competent Department is required.
- 3.3 Alternative means or procedures mentioned in paragraph 3.2(b) shall ensure an equal or greater safety level if compared to the safety level established by the applicable standard. Or they shall achieve the goal of the procedure normalized by Supplementary Instruction.

3.4 The Supplementary Instruction shall not define standards or contradict standards established in RBAC or other normative acts.

3.5 This IS is also based on RBAC 129 and refers to the following international documents:

- a) Annex 6 to the Convention on International Civil Aviation: Operations of Aircraft; and
- b) ICAO Doc 8335: Manual of Procedures for Operations, Inspection, Certification and Continued Surveillance.

4. **DEFINITIONS**

4.1 Within the scope of this IS, all the definitions listed in RBAC 01 and RBAC 129 are valid, added to the following definitions:

4.2 Air Operator Certificate (AOC): document issued by the Civil Aviation Authority which certifies that an operator has undergone a technical certification process and complies with the minimum established requirements.

4.3 Aircraft interchange agreement: agreement between air operators in which a single aircraft is used to connect the route of one air carrier to the route of another, via an interchange point. The air carrier operating on each route is responsible for the operational control and resulting responsibilities, as well as for the crew. Under this kind of agreement, the last operator becomes responsible for aircraft's operational control at the time of transfer.

4.4 Operational flight plan: operator's plan for a safe flight, considering aircraft performance, operational limitations and relevant expected conditions on route and at aerodromes.

4.5 Legal representative: person designated by foreign air carriers, according to Ordinance SAS/SIA/SPO No. 9,715, issued on November 7th, 2022 (or norm that replaces it);

4.6 *Wide body*: large body commercial aircraft having more than one aisle; and

4.7 *Narrow Body*: narrow body commercial aircraft having only one aisle.

4.8 List of abbreviations in alphabetical order:

AOC - Air Operator Certificate

AR - Authorization Required

ATC - Air Traffic Control

AVSEC - Aviation Security

CC - Compliance Checklist

DECEA - Department of Airspace Control

EDTO - Extended Diversion Time Operations

EFOD - Electronic Filling Of Differences

ETOPS - Extended Operations

IATA - International Air Transport Association

ICA - Aeronautical Command Instruction

ICAO - International Civil Aviation Organization

IDIRS - Data exchange of ramp safety inspections

OFP - Operational Flight Plan

OpSpecs - Operations Specifications

PBN - Performance Based Navigation

RVSM - Reduced Vertical Separation Minima

SAFA - Safety Assessment of Foreign Aircraft

SGHA - Standard Ground Handling Agreement

SPO - Department of Flight Standards

USOAP- Universal Safety Oversight Audit Programme

5. PROCEDURES

5.1 Applicability

5.1.1 This Supplementary Instruction applies exclusively to foreign air carriers operating in Brazil under RBAC 129.

5.1.2 Within the scope of operational requirements, this IS proposes procedures for:

- a) foreign air carriers to obtain authorizations to operate scheduled flights in Brazil, under the terms of RBAC 129;
- b) modifying operations which have already been authorized in accordance with RBAC 129;
- c) foreign air carriers to obtain authorizations to operate non-scheduled flights, under the terms of RBAC 129.

and

5.1.3 This IS does not apply to:

- a) authorization processes to operate air transport service, regarding market access;
- b) processes related to AVSEC; and
- c) foreign air taxi and general aviation companies.

Note: foreign air taxi companies are those dedicated to exclusively operate non-scheduled international air transport services, using airplanes with certified maximum passenger seating configuration of up to 19 seats and a maximum payload capacity of up to 3,400 kg (7,500 lb), or helicopters. Foreign air taxi companies shall comply with operational requirements defined by RBAC 129. However, in accordance with paragraph 129.12(a)(1), they do not have to request authorization, since they already comply with procedures established in Resolution No.178, issued on December 21st, 2010 (or norm that replaces it).

5.2 Scheduled operations

5.2.1 For the purposes of complying with the requirement of section 129.11 of RBAC 129, foreign air carriers that intend to conduct scheduled operations in Brazil shall obtain authorization from ANAC, undergoing an approval process described in item 5.2.4.

5.2.2 The approval process for obtaining authorization for scheduled operations aims to recognize as valid the AOC and OpSpecs issued by the Civil Aviation Authority of the State of the Operator, according to Annex 6 to the Convention on International Civil Aviation and ICAO Doc 8335.

5.2.3 In the context of foreign air carriers, the approval process defined in this IS does not have the same meaning of the certification process of a national operator, as defined in RBAC 119.

5.2.4 Description of the approval process

5.2.4.1 The process of approval of foreign air carriers initiates with the request of authorization to operate scheduled air transport services, in accordance with Resolution No. 692, issued on September 21st, 2022 (or norm that replaces it), and Ordinance SAS/SIA/SPO No. 9,715, issued on November 7th, 2022 (or norm that replaces it).

5.2.4.2 The request shall be filed at least 30 days before the intended start of operations in Brazil, in accordance with paragraph 129.11(b) of RBAC 129.

5.2.4.3 The request shall be submitted via a duly filled form signed by the air carrier's legal representative.

Note: the form is available at: <https://www.gov.br/anac/pt-br/assuntos/regulados/empresas-aereas/modelos-e-formularios>.

5.2.4.4 As part of the verification of operational requirements, the following documents shall be attached to the form:

a) Air Operator Certificate (AOC)

Document issued by the Civil Aviation Authority of the State of the Operator, certifying that the air carrier has undergone a technical certification process and complies with the minimum established requirements. The AOC shall be presented in Portuguese, English or Spanish.

b) Operations Specifications of the State of the Operator

Document associated to the AOC containing all approvals, authorizations and other details related to the operation of the air carrier.

If OpSpecs are not issued according to the template of Annex 6 to the Convention on International Civil Aviation, ANAC may request additional information to complement the minimum information required by the Annex.

If OpSpecs are issued per aircraft model, the OpSpecs applicable to the aircraft models the air carrier intends to use for scheduled operations originating in or destined for Brazil shall be presented.

If there is a significant change in Operations Specifications (as defined in paragraph 5.2.8.2) during the processing of the initial request, foreign air carriers shall complement the application with the current OpSpecs.

The OpSpecs issued by the State of the Operator shall allow services in Brazilian aerodromes intended to be used by air carriers. The permission shall indicate the area of operation (Brazil, South American region (SAM) or other area where aerodromes are located) or aerodromes by name.

OpSpecs shall be presented in Portuguese, English or Spanish.

c) Aircraft information

Foreign air carriers shall present:

I - the list of registrations of aircraft models they intend to use for scheduled operations originating in or destined for Brazil. If the OpSpecs comprises such a list, it is not necessary to provide it as a separate document; and

Note: the OpSpecs according to the template provided by Annex 6 to the Convention on International Civil Aviation are usually issued per aircraft model, not including the actual list of aircraft registrations that compose the air carrier fleet.

II - a copy of the current certificate of insurance for the aircraft listed.

d) Information about aircraft covered by agreement under the article 83 bis, if applicable

Agreement under the article 83 bis of the Convention on International Civil Aviation allows the State of Registry of the aircraft to completely or partially transfer duties and functions to the State of the Operator. If air carriers intend to use aircraft covered by agreement under the article 83 bis for scheduled operations originating in or destined for Brazil, they shall send a copy of the agreement and its summary applicable to each aircraft. Or they may provide data that enables access to the documents via ICAO website. (<https://dna.icao.int/WAGMAR>).

e) Information about aircraft under interchange agreement, if applicable

In line with item 129.13(d) of RBAC 129, foreign air carriers shall send ANAC documentation regarding the modalities of aircraft interchange used for flights to Brazil.

Documents to be submitted are:

- i. copy of the Operations Specifications issued by the State of the operator that will use the aircraft in Brazil, including authorization for such interchange; or
- ii. other documents issued by the Civil Aviation Authority of the State of the Operator authorizing the interchange.

f) Operational flight plan for flights originating in or destined for Brazil

It refers to the planning and operational control of flights. In the plan, air carriers ensure pilots are familiarized with navigation and communication facilities, air traffic control and other procedures used in the various areas they will fly within Brazil.

Foreign air carriers shall present a copy of the operational flight plan (OFP) of flights originating in or destined for Brazil, demonstrating air carriers have technical-operational procedures for scheduled operations in Brazil.

The OFP is not the same ATC flight plan provided for in the Aeronautical Command Instruction (ICA)100-11 issued by DECEA.

g) Information about handling service providers

Foreign air carriers shall present a copy of contracts or letters of intent with ground handling service providers, which will be responsible for cargo loading and unloading, passenger services and other essential services for flights in Brazil.

IATA Standard Ground Handling Agreements (SGHA) will be accepted.

h) Information about maintenance services

According to Annex 6 to the Convention on International Civil Aviation, Part I, Chapter 8, or Part III, Section II, Chapter 6, as applicable, foreign air carriers shall provide information about aircraft support and maintenance services in the Brazilian territory. Also, their maintenance programs shall be approved by the Civil Aviation Authority of the State of Registry.

Foreign air carriers shall inform ANAC if aircraft maintenance is carried out by air carrier's own mechanics contracted in Brazil. This information shall be reported in the appropriate field of the form referred to in paragraph 5.2.4.3.

If maintenance is provided by other companies, contracts or letters of intent shall be presented.

i) General Operations Manual

Foreign air carriers shall provide a copy of their General Operations Manual, containing all information, policies and procedures applying to all operations, and not related to a specific type of aircraft only.

j) Exemptions, if applicable

Foreign air carriers shall present exemptions issued in their favor and that affect operations originating in or destined for Brazil. Exemptions regarding regulations of the State of the Operator and, for each aircraft, regulations of the State of Registry are included.

Air carriers shall present the document allowing the exemption and, if the following information is not included in the document, they shall detail:

- I - the requirements that have been exempted;
- II - the duration of the exemption; and
- III - the scope of the exemption (in terms of aircraft, pilots, specific operations etc.).

If air carriers do not report exemptions to ANAC, they cannot be used in operations under RBAC 129.

5.2.4.5 Notwithstanding paragraph 5.2.4.4, ANAC may request documents and manuals the Agency deems necessary for the safety of operations in compliance with laws, standards and recommended practices by Annexes to the Convention on International Civil Aviation.

5.2.5 Representatives and contact persons of the applicant organization

5.2.5.1 Legal representatives shall be aware of regulations relevant to the intended operations, as well as the related IS, including this one, in order to speed up the approval process.

5.2.5.2 Communications, interactions and documents necessary for the approval process will only be accepted if developed by legal individuals designated by the applicant organization, respecting the areas of expertise. Non-technical legally appointed representatives can receive general guidance on the documentation to be sent to ANAC by the applicant organization.

5.2.5.3 Notwithstanding item 5.2.5.2 and aiming to optimize interactions between ANAC and the applicant organization, details involving the fulfillment of technical requirements may be requested by ANAC directly to the organization's management personnel in the State of the Operator, respecting the areas of expertise responsible for ensuring compliance with technical requirements.

5.2.6 Compulsory termination of the approval process

5.2.6.1 Organizations applying for authorizations for scheduled operations have 60 days to present actions required during the process or answers to each report of non-compliance.

5.2.6.2 If this period ends without conclusive manifestation by the applicant organization, the process is compulsorily terminated and considered concluded in an unsatisfactory way. The termination will be informed to the applicant organization by ANAC.

5.2.7 Approval

5.2.7.1 After finishing the analysis of all documentation submitted, and if approved, ANAC will issue the AOC validation document.

5.2.7.2 In accordance with paragraph 129.33(a) of RBAC 129, if, for safety reasons, ANAC considers that authorizations, approvals, limitations or exemptions granted by the Civil Aviation Authority of the State of the Operator cannot be used for operations originating in or destined for Brazil, the Agency may limit the authorization or reject the request, considering factors such as:

- a) differences reported by the State of the Operator or the aircraft State of Registry, with respect to Annexes to the Convention on International Civil Aviation, according to the Compliance Checklist completed in the ICAO Electronic Filling of Differences (CC/EFOD) system;
- b) results of the assessment of the State of the Operator or the aircraft State of Registry within the ICAO USOAP audit programme, including, where appropriate, significant concerns about safety;
- c) the inclusion of the operator in the community list of air carriers prohibited to operate in accordance with Regulation (CE) No. 2,111/2005 of the European Parliament and the Council. The inclusion in the list may be nominal or refer to all operators certified by the authorities of a given State; and

Note: the list is available at https://transport.ec.europa.eu/transport-themes/eu-air-safety-list_en.

- d) Safety results obtained by the operator in programmes for the exchange of ramp inspection data and accessible to ANAC. Examples are SAFA and IDISR.

5.2.7.3 If ANAC considers that authorization should be limited, the Agency shall include the restriction in the AOC validation document.

5.2.7.4 Regardless of what is stated in the AOC validation, scheduled operations can only start and be maintained when the authorization to operate is issued, pursuant to Resolution No. 692, issued on September 21st, 2022 (or norm that replaces it).

5.2.7.5 Foreign air carriers shall conduct scheduled operations originating in or destined for Brazil in accordance with:

- a) standards and recommended practices provided by Annex 6 Part I or Part III, Section II of the Convention on International Civil Aviation, as applicable;
- b) Operations Specifications issued by the State of the Operator; and
- c) applicable provisions of RBAC 129, including any restrictions established by ANAC, according to paragraph 5.2.7.2.

5.2.7.6 Foreign air carriers shall keep documentation mentioned in paragraph 5.2.4.4 updated before ANAC. However,

- a) considering the definition of significant changes provided by paragraph 5.2.8.2, if there are no significant changes in 12 months, the OpSpecs may be sent once every 12 months;

- b) updates to the effective list of aircraft registrations of models already authorized do not need to be submitted, except if there are new aircraft covered by agreement under the article 83 bis or if they are operated under interchange agreement;
- c) updated certificates of insurance for the entire fleet of aircraft used in operations originating in or destined for Brazil may be submitted only once every 12 months;
- d) the operational flight plan for flights originating in or destined for Brazil does not need to be submitted, except in case of significant change; and
- e) an updated General Operations Manual does not need to be submitted, except in case of significant change.

5.2.8 Implementation of significant changes

5.2.8.1 If foreign air carriers intend to implement significant changes to their international operations in Brazil, they shall notify ANAC at least 30 days before the intended date for effective implementation, according to Ordinance SAS/SIA/SPO No.9,715, issued on November 7th, 2022 (or norm that replaces it).

5.2.8.2 Any changes in air carriers' operations prerogatives are considered significant changes when they affect operations originating in or destined for Brazil. Examples of significant changes:

- a) inclusion of new aircraft model;
- b) inclusion of new aircraft covered by agreement under article 83 bis;
- c) inclusion of new aircraft operated under interchange agreement;
- d) change of areas of operation, including airspace restrictions;
- e) type of operation authorized (passenger and/or cargo);
- f) change of information about handling service providers (according to paragraph 5.2.4.4(g));
- g) change of information about maintenance services (according to paragraph 5.2.4.4(h));
- h) specific approvals required by ICAO, as transport of dangerous goods, operations in low visibility (including CAT II, III and LVTO), use of operational credits, RVSM, ETOPS/EDTO, PBN AR operations, EFB and information about the maintenance of continuing airworthiness. According to Annex 6, specific approvals are documented in Operations Specifications issued by the State of the Operator;
- i) other special limitations contained in Operations Specifications issued by the State of the Operator; and
- j) change or achievement of exemptions (as described in paragraph 5.2.4.4(j)).

Note: changes of other information required by Ordinance SAS/SIA/SPO No. 9,715, issued on November 7th, 2022 (or norm that replaces it) shall also be notified to ANAC, although they are not in the scope of this IS. Examples: changes in registration data, of legal representative etc.

5.2.8.3 The notification of significant changes shall be submitted to ANAC via the same form used for initial authorization, duly completed and signed by the air carrier legal representative. Besides air carrier identification, only the fields presenting change in relation to the previous form should be filled in.

Note: the form is available at: <https://www.gov.br/anac/pt-br/assuntos/regulados/empresas-aereas/modelos-e-formularios>.

5.2.8.4 Processes for reporting significant changes do not require a formal reply from ANAC. This way, 30 days after notification, foreign air carriers can initiate operations based on significant changes presented, as long as ANAC does not make a statement otherwise. If there is a limitation, pursuant to paragraph 5.2.7.2, ANAC will include the restriction in the AOC validation document.

5.2.8.5 If simultaneous significant changes are notified, the requirements described in each of them shall be met. However, there is no need to send duplicate documents.

5.2.8.6 Documents to be sent for verification of operational requirements depend on the type of significant change, as follows:

- a) inclusion of new aircraft model:

- I - form duly completed and signed, as described in paragraph 5.2.8.3;
 - II - the OpSpecs issued by the State of the Operator applicable to the aircraft model, as described in paragraph 5.2.4.4(b);
 - III - information about aircraft, as described in paragraph 5.2.4.4(c);
 - IV - information about aircraft covered by agreement under the article 83 bis, if applicable, as described in paragraph 5.2.4.4(d);
 - V - information about aircraft under interchange agreement, if applicable, as described in paragraph 5.2.4.4(e);
 - VI - operational flight plan for flights originating in or destined for Brazil, as described in paragraph 5.2.4.4(f). This item can be exempted if air carriers already operate aircraft of a similar size, in terms of cabin width (narrow or wide body); and
 - VII - information about maintenance services, as described in paragraph 5.2.4.4(h);
- b) information about new aircraft covered by agreement under the article 83 bis:
- I - form duly completed and signed, as described in paragraph 5.2.8.3;
 - II - the OpSpecs issued by the State of the Operator applicable to the aircraft model, as described in paragraph 5.2.4.4(b);
 - III - information about aircraft, as described in paragraph 5.2.4.4(c);
 - IV - information about aircraft covered by agreement under the article 83 bis, if applicable, as described in paragraph 5.2.4.4(d);
 - V - information about aircraft under interchange agreement, if applicable, as described in paragraph 5.2.4.4(e);
 - VI - information about maintenance services, as described in paragraph 5.2.4.4(h);
- c) inclusion of new aircraft operated under interchange agreement:
- I - form duly completed and signed, as described in paragraph 5.2.8.3;
 - II - the OpSpecs issued by the State of the Operator applicable to the aircraft model, as described in paragraph 5.2.4.4(b);
 - III - information about aircraft, as described in paragraph 5.2.4.4(c);
 - IV - information about aircraft covered by agreement under the article 83 bis, if applicable, as described in paragraph 5.2.4.4(d);
 - V - information about aircraft under interchange agreement, if applicable, as described in paragraph 5.2.4.4(e); and
 - VII - information about maintenance services, as described in paragraph 5.2.4.4(h);
- d) amendment of operation areas, including airspace restrictions:
- I - form duly completed and signed, as described in paragraph 5.2.8.3;
 - II - the OpSpecs issued by the State of the Operator applicable to the aircraft model, as described in paragraph 5.2.4.4(b); and
 - III - operational flight plan for flights originating in or destined for Brazil, as described in paragraph 5.2.4.4(f), if the change affects the operational flight plan;
- e) the type of authorized operation (passenger and/or cargo):
- I - form duly completed and signed, as described in paragraph 5.2.8.3;
 - II - the OpSpecs issued by the State of the Operator applicable to the aircraft model, as described in paragraph 5.2.4.4(b); and
 - III - information about aircraft, as described in paragraph 5.2.4.4(c);
- f) change of information about handling service providers (as described in paragraph 5.2.4.4(g)):
- I - form duly completed and signed, as described in paragraph 5.2.8.3; and
 - II - information about handling service providers, as described in paragraph 5.2.4.4(g);
- g) amendment of information about maintenance (as described in paragraph 5.2.4.4(h)):

- I - form duly completed and signed, as described in paragraph 5.2.8.3;
- II - the OpSpecs issued by the State of the Operator applicable to the aircraft model, as described in paragraph 5.2.4.4(b); and
- III - information about maintenance service, as described in paragraph 5.2.4.4(h);

h) specific approvals required by ICAO or other special limitations contained in Operations Specifications issued by the State of the Operator:

- I - form duly completed and signed, as described in paragraph 5.2.8.3;
- II - the OpSpecs issued by the State of the Operator applicable to the aircraft model, as described in paragraph 5.2.4.4(b);
- III - General Operations Manual, pursuant to paragraph 5.2.4.4(i), considering the parts affected by the specific approval; and
- IV - other manuals or documents ANAC deems necessary, as provided in paragraph 5.2.4.5.

i) change or achievement of exemptions (as described in paragraph 5.2.4.4(j)):

- I - form duly completed and signed, according to paragraph 5.2.8.3;
- II - the OpSpecs issued by the State of the Operator applicable to the aircraft model, as described in paragraph 5.2.4.4(b), if the change affects OpSpecs;
- III - General Operations Manual, pursuant to paragraph 5.2.4.4(i), considering the parts affected by the specific approval;
- IV - information about the exemption, as described in paragraph 5.2.4.4(j); and
- V - other manuals or documents ANAC deems necessary, as provided in paragraph 5.2.4.5.

5.2.8.7 In the case of changes involving restriction of air carriers' operational prerogatives, such as the exclusion of an aircraft model or the withdrawal of a specific approval, the air carrier shall notify ANAC within 30 days after the date of effectiveness in order to update the information before the Agency.

5.2.8.8 Changes not considered significant do not need to be notified to ANAC and can be implemented since authorized by the State of the Operator. Examples: inclusions of aircraft registrations for models already authorized, operations in new aerodromes and/or new routes (if there are no significant changes), changes in procedures contained in the General Operations Manual etc.

5.2.9 Limitations and revocation of authorization by ANAC

5.2.9.1 When the AOC of a foreign air carrier is suspended or revoked by the State of the Operator, the air carrier shall interrupt operations, in compliance with paragraph 129.11(d) of RBAC 129. In this situation, ANAC will suspend or revoke air carriers' authorization, as applicable.

5.2.9.2 According to paragraph 129.33(a) of RBAC 129, ANAC can limit or suspend an authorization or deny the implementation of significant changes due to safety requirements. Among other reasons, limitations, suspensions, or denials may occur due to noncompliance with applicable requirements (as listed in paragraph 5.2.7.5) verified during inspections or surveys or due to the analysis of facts presented in paragraph 5.2.7.2. Foreign air carriers will be notified by ANAC of the decision.

5.2.9.3 The air carrier is expected to conduct at least one scheduled operation destined for Brazil every 60 days after the authorization to operate is issued. According to paragraphs 129.11(d) and 129.33(c) of RBAC 129, if air carriers do not conduct any scheduled operation in the frequency defined, they shall cease to conduct scheduled operations. In this case, if air carriers wish to resume operations, they shall:

- a) notify ANAC at least 15 consecutive days before the intended date for resumption; and
- b) be available and accessible during this period if ANAC decides to verify the air carriers' capability to conduct safe operations.

Note: a formal reply from ANAC is not required for the resumption of operations. Foreign air carriers can resume operations 15 days after notification, as long as ANAC does not make a statement otherwise.

5.3 Non-scheduled Operations

5.3.1 Foreign air carriers that intend to operate only non-scheduled flights in Brazil shall obtain prior authorization from ANAC. The process begins with the request for authorization to operate non-scheduled air transport service, pursuant to Resolution No. 692, issued on September 21st, 2022 (or norm that replaces it) and Ordinance SAS/SIA/SPO No. 9,715, issued on November 7th, 2022 (or norm that replaces it).

5.3.2 The request shall be submitted via a duly filled form signed by the air carrier's legal representative.

Note: the form is available at: <https://www.gov.br/anac/pt-br/assuntos/regulados/empresas-aereas/modelos-e-formularios>.

5.3.3 As part of the verification of operational requirements, the following documents shall be attached to the form:

- a) AOC and OpSpecs issued by the Civil Aviation Authority of the State of the Operator, in Portuguese, English or Spanish;
- b) valid certificate of insurance for the aircraft air carriers intend to use in operations originating in or destined for Brazil;
- c) information about aircraft covered by agreement under the article 83 bis of the Convention on International Civil Aviation, if applicable; and
- d) information about aircraft under interchange agreement, if applicable.

5.3.4 Notwithstanding paragraph 5.3.3, ANAC may request documents and manuals the Agency deems necessary for the safety of operations in compliance with laws, standards and recommended practices established by the Annexes to the Convention on International Civil Aviation.

5.3.4.1 In accordance with paragraph 129.33(a) of RBAC 129, if, for safety reasons, ANAC considers that authorizations, approvals, limitations or exemptions granted by the Civil Aviation Authority of the State of the Operator cannot be used for operations originating in or destined for Brazil, the Agency may limit the authorization or reject the request, considering factors such as:

- a) differences reported by the State of the Operator or the aircraft State of Registry, with respect to Annexes to the Convention on International Civil Aviation, according to the Compliance Checklist completed in the ICAO Electronic Filling of Differences (CC/EFOD) system;
- b) results of the assessment of the State of the Operator or the aircraft State of Registry within the ICAO USOAP audit programme, including, where appropriate, significant concerns about safety;
- c) the inclusion of the operator in the community list of air carriers prohibited to operate in accordance with Regulation (CE) No. 2,111/2005 of the European Parliament and the Council. The inclusion in the list may be nominal or refer to all operators certified by the authorities of a given State; and

Note: the list is available at: https://transport.ec.europa.eu/transport-themes/eu-air-safety-list_en.

- d) safety results obtained by the operator in programmes for the exchange of ramp inspection data and accessible to ANAC. Examples are SAFA and IDISR.

5.3.4.2 If ANAC considers that the authorization should be limited, the Agency shall communicate the fact to the air carrier.

5.3.5 The organization that requires to operate non-scheduled flights shall keep documentation mentioned in paragraph 5.3.3 updated before ANAC. Otherwise, the Agency may reject, limit, or suspend flight authorization.

5.3.6 Foreign air carriers shall operate non-scheduled flights originating in or destined for Brazil in accordance with:

- a) standards and recommended practices provided by Annex 6 Part I or Part III, Section II of the Convention on International Civil Aviation, as applicable;
- b) Operations Specifications issued by the State of the Operator; and

- c) applicable provisions of RBAC 129, including any restrictions established by ANAC, according to paragraph 5.3.4.1.

5.3.7 Foreign air carriers that operate scheduled flights and are authorized in the scope of this IS are exempt from sending the documentation listed in paragraph 5.3.3 if they apply to operate non-scheduled flights in Brazil, provided that their authorization covers the intended operation.

6. APPENDICES

Appendix A - Record of amendments

7. FINAL PROVISIONS

7.1 Omitted cases will be settled by SPO.

7.2 Air operators whose processes requesting the change of OpSpecs are under analysis on the effective date of this IS or that initiate processes within 60 days after the effective date of this IS may choose to comply with Revision B of IS No. 129-001 or to start a new process in accordance with this Revision C.

7.3 Air operators having OpSpecs approved by ANAC before the publication of this IS are, within the scope of the operational requirements, authorized in accordance with conditions and limitations determined in the approved OpSpecs. Therefore, they should consider these OpSpecs as a basis for determining whether the changes they wish to implement are significant.

7.4 Documentation shall be written in Portuguese, English or Spanish.

APPENDIX A - RECORD OF AMENDMENTS

AMENDMENTS TO REVISION C	
ITEM AMENDED	AMENDMENT
	Complete revision, including paragraph restructuring
Former Appendices A to D	Removed Appendices
Appendix A (former Appendix E)	Appendix renamed and updated