

**ORDINANCE No. 9,715 OF NOVEMBER 7th, 2022.**

This Ordinance establishes procedures for the access to the Brazilian market of foreign airlines.

**THE HEADS OF THE DEPARTMENTS OF AIR SERVICES, AIRPORT INFRASTRUCTURE AND FLIGHT STANDARDS**, in the use of the authority granted by articles 32, items XVI and XXIX, 33, item XVI, and 34, item VII of the Internal Regulation, approved by Resolution No. 381, of June 14th, 2016, in view of the provisions of Resolution No. 692, of September 21st, 2022, and Proceeding No. 00058.042175/2019-47, and considering Process No. 00058.062918/2022-09,

**DECIDE TO:**

Article 1. Establish the procedures for foreign airlines to obtain authorization to operate scheduled and non-scheduled air transport service, and for the approval of flight program.

**CHAPTER I**  
**AUTHORIZATION TO OPERATE SCHEDULED AIR TRANSPORT SERVICE**

Article 2. The authorization application for the operation of scheduled air transport service shall be presented containing the following documents:

- I - Copy of the filing with the Registry of Commerce;
- II - Foreign airline registration form, accompanied by:
  - a) Copy of the instrument appointing the legal representative;
  - b) Copy of legal representative's Individual Taxpayer Identification Number (CPF);
  - c) Copy of passport and National Migratory Registry Document - CRNM, if the legal representative is a foreigner; and
  - d) Copy of identity card, if the legal representative is Brazilian;
- III - Air Operator Certificate - AOC issued by foreign civil aviation authority;
- IV - Operative Specifications - EO issued by foreign civil aviation authority;
- V - Information about aircraft, including:
  - a) List of aircraft registration marks;
  - b) Aircraft insurance certificate;
  - c) Information on aircraft covered by agreement under article 83 bis of the Convention on International Civil Aviation, if applicable; and

- d) Information on aircraft under interchange arrangements, if applicable;
- VI - Operational plan for flights from/to Brazil;
- VII - Information on handling service providers;
- VIII - Information on maintenance services;
- IX - General Operations Manual;
- X - Requirement exemptions issued in favor of the airline, if applicable;
- XI - Registration of the professional responsible for AVSEC; and
- XII - Airline registration in the Guarantee Fund for Length of Service - FGTS.

§ 1. The instrument appointing the legal representative shall be apostilled, under the terms of the Hague Convention, or legalized at the Brazilian Foreign Service, have a notarized translation, and be registered with the Registry of Deeds and Documents - RTD.

§ 2. Documents shall be presented at least 30 days before the intended start of operations in Brazil, except for those documents provided for in items I and XII of the head provision, which may be presented during the analysis.

§ 3. In the case of requests for alteration of authorization which has already been issued, the minimum period of 30 days shall also be applied.

§ 4. If there are changes in documentation after authorization has been issued, the airline shall submit updated documents to ANAC, by filling in the form merely with airline's identification and data which has changed, unless different provisions are available.

§ 5. Under the terms of article 11 of Resolution No. 692/2022, if an airline's authorization has been revoked, a new application shall be submitted in accordance with the head provision of this article.

## CHAPTER II AUTHORIZATION TO OPERATE NON-SCHEDULED AIR TRANSPORT SERVICE

Article 3. The authorization application for the operation of non-scheduled air transport service shall be presented containing the following documents:

- I - Foreign airline registration form, accompanied by the instrument appointing the legal representative;
- II - Air Operator Certificate - AOC issued by foreign civil aviation authority;
- III - Operative Specifications - EO issued by foreign civil aviation authority; and
- IV - Information about aircraft, including:
  - a) Aircraft insurance certificate;

b) Information on aircraft covered by agreement under article 83 bis of the Convention on International Civil Aviation, if applicable; and

c) Information on aircraft under interchange arrangements, if applicable.

§ 1. The expiry date of the authorization will be based on the expiry date of documents presented. If there are documents with different expiry dates, the closest date shall be considered.

§ 2. Documents shall be presented at least 10 days before the intended start of operations in Brazil.

§ 3. Revalidation of expired authorizations occurs upon submission of updated documents.

§ 4. If there are changes in documentation after authorization has been issued, the airline shall submit updated documents to ANAC, unless different provisions are available.

Article 4. Foreign airlines may access the Brazilian market with authorization to operate non-scheduled international air transport service provided that the airline respects flight frequency limits determined as follows:

I – a maximum of 4 flight frequencies per month for up to 9 months, consecutive or not, in the last 12 months; and

II – a maximum of 15 flight frequencies per month for up to 3 months, consecutive or not, in the last 12 months.

Sole paragraph. Foreign airlines authorized to operate non-scheduled international air transport services that intend to exceed the limits established in the head provision shall obtain authorization to operate scheduled international air transport services under the terms of article 3 of Resolution No. 692/2022, before starting operations.

### CHAPTER III FLIGHT PROGRAM APPROVAL

Article 5. In cases provided for in article 6 of Resolution No. 692/2022, the application for the approval of the intended flight program shall be presented containing the following documents:

I - Flight program approval request form; and

II - Letter of Reciprocity from the civil aviation authority of the foreign airline country when the requested operation is not provided for in an international understanding.

§ 1. In case of a new request for the approval of flights of the same type, resubmission of the Letter of Reciprocity is waived.

§ 2. The National Civil Aviation Agency - ANAC may require additional documentation to assess the impact of the intended operation on the capacity and frequency limits defined in bilateral or multilateral international understandings.

### CHAPTER IV FINAL PROVISIONS

Article 6. Models for the documents listed hereby will be available at ANAC's website, mainly in the Services Letter, in accordance with the provisions of Decree No. 9,094, of July 17, 2017, as well as at <https://www.gov.br/anac/pt-br/assuntos/regulados/empresas-aereas/modelos-e-formularios>.

Article 7. The interested party is responsible for starting the application established by this Ordinance, sending a request through the Electronic Information System used by ANAC (SEI - ANAC), or a system that replaces it. The application shall be presented containing the required documents and in accordance with models disclosed.

Article 8. The following Ordinances are hereby revoked:

I - Ordinance No. 649/SAS, of March 18th, 2016, published in the Federal Gazette of March 21st, 2016, Section 1, page 2; and

II - Ordinance No. 910/SAS, of March 16th, 2018, published in the Federal Gazette of March 20th, 2018, Section 1, page 87.

Article 9. This Ordinance takes effect on the date of its publication.

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