RESOLUTION No. 400 OF DECEMBER 13, 2016.

This Resolution establishes General Air Transport Conditions.

(Compiled text)

THE BOARD OF DIRECTORS OF THE NATIONAL CIVIL AVIATION AGENCY - ANAC, in the exercise of the competency granted by article 11, item V, Law No. 11,182 of September 27, 2005, in view of the provisions of article 8, items I and X, of the aforementioned Law, and articles 222 to 260 and 302 of Law No. 7,565 of December 19, 1986, and of Law No. 10,406, of January 10, 2002, Law 8,078, of September 11, 1990, and Decrees No. 5,910, of September 27, 2006, and 6,780, of February 18, 2009, and considering process No. 00058.054992/2014-33, which was resolved and approved during the 26th Deliberative Meeting, held on December 13, 2016,

DECIDES TO:

Article 1. Establish the general conditions applicable to domestic and international scheduled passenger air transport.

Sole paragraph. The general air transport conditions also apply to non-scheduled flights when seats are sold individually and offered to the public.

CHAPTER I
OBLIGATIONS PRIOR TO AIR TRANSPORT CONTRACT PERFORMANCE

Section I
Service Offer

Article 2. When offering air transport services, the operator may determine the price to be paid for the services, as well as their applicable rules, pursuant to regulations issued by ANAC.

Sole paragraph. The operator shall make available clear information about all services offered and respective applicable rules, either at physical or online points of sales for the purchase of air tickets, to allow immediate and easy understanding.

Article 3. The operator shall offer passengers at least one air ticket option in which the penalty in case of refund or rebooking does not exceed 5% of the total value paid for the air transport service, in accordance with articles 11 and 29, sole paragraph of this Resolution.

Article 4. Passenger air transport services, combined or not with tourism services, shall present in all sales channels the total amount of the air ticket to be paid by the consumer.

§ 1 The following items compose the total air ticket value:

I – value of air transport services;

II – airport taxes; and

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III – amounts owed to government entities to be paid by the air ticket purchaser and collected by the operator.

§ 2 The final air ticket price will be increased by any optional services actively contracted (opt-in rule) by the consumer during the purchase.

Article 5. At the time of air ticket purchase and after users choose flight origin, destination, and date, and before they pay for the ticket, operators shall provide them with the information listed in items I to V below:

I – total air ticket price to be paid in national currency, detailing all the items provided for in article 4, § 1, of this Resolution;

II – no-show, rebooking and refund rules, with applicable fines;

III – connection time and eventual change of airports;

IV – rules and values for baggage transport;

V – indication of airlines responsible for the transportation, in cases of full or partial codeshare operations; and (Included by Resolution No. 692, of September 21, 2022)

VI – rules regarding the treatment to be given to unruly passengers. (Included by Resolution No. 800, of March 9, 2026)

§ 1 For the purposes of this Resolution, a commercialization process is the one carried out in the Brazilian national territory or by electronic means directed to the Brazilian market.

§ 2 It is prohibited to charge for optional services or goods that have not been actively requested by the user (opt-in rule).

§ 3 Information on air transport goods and services offered by the operator shall be made available in Portuguese, in a clear and objective manner.

Section II
Air Ticket Receipt

Article 6. The operator shall provide the passenger with the air ticket receipt in printed or digital format. In addition to the provisions of article 5 of this Resolution, the receipt shall contain the following information:

I – passenger's family and first name;

II – flight date and time, if any;

III – boarding time and procedure;

IV – goods and services purchased; and

V – period of validity for the air ticket.

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Article 7. When the operator issues an air ticket receipt without a predefined date for use, the period of validity of the air ticket is one year from issuance date.

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Article 8. If the passenger's first name, family name, or alias is mistakenly written down, the operator shall correct it at no cost.

§ 1 It is the responsibility of the passenger to request the correction until the time of check-in.

§ 2 In the case of interline operations on international flights, the passenger may be charged for correction costs.

§ 3 The provisions of § 2 of this article do not apply if the mistake is committed by the operator.

§ 4 Name corrections do not change the personal and non-transferable feature of the air ticket.

Section III
Amendment and Termination of the Air Transport Contract by the Passenger

Article 9. Contractual penalties shall not exceed the value of the air transport services.

Sole paragraph. Airport taxes paid by the passenger and amounts owed to government entities shall not be included in calculations for fines.

Article 10. In case of rebooking, the passenger shall pay or receive:

I – the variation of the airport tax referring to the airport where the new boarding will take place, based on the price established by the table in force on the date of the rebooking; and

II – the difference between the price of air transport services initially paid by the passenger and the price offered at the time of rebooking.

Article 11. Users may give up and return the air ticket free of charge within 24 hours after buying the ticket.

Sole paragraph. The rule described in the head of this article only applies to air tickets purchased seven days or more before the flight departure date.

Section IV
Amendment of the Air Transport Contract by the Operator

Article 12. Scheduled changes made by the operator, especially regarding time and itinerary, shall be informed to passengers at least 72 hours in advance.

§ 1 The operator shall offer alternatives for rebooking or full refund at the passenger choice, if:

I – information about changes does not comply with the deadline indicated in the head of this article; and

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II – departure or arrival time changes exceed 30 minutes for domestic flights and one hour for international flights in relation to the contracted time if the passenger does not agree with the new departure or arrival times.

§ 2 If the passenger shows up at the airport due to lack of information, the operator shall offer material assistance and the following alternatives:

I – rebooking;

II – full refund; and

III – another modal of transport.

Section V
Baggage Information

Article 13. The transport of checked baggage constitutes an accessory contract offered by the operator.

§ 1 Checked baggage may be subject to restrictions, under the terms of this Resolution and security rules.

§ 2 The rules regarding the transport of checked baggage shall be uniform for each contracted leg, even if carried out by more than one operator.

Article 14. A free-of-charge allowance of at least 10 kilos per passenger for carry-on baggage shall be offered by the operator, according to size and number of pieces defined in the transport contract.

§ 1 Carry-on baggage is the one that passengers are allowed to take into the cabin, under their responsibility.

§ 2 The operator may restrict weight and content of carry-on baggage for safety reasons or due to aircraft capacity.

Article 15. The operator shall inform users which baggage will be subject to special check-in procedures due to size or handling conditions.

§ 1 Baggage that does not comply with rules established by the operator may be refused or subject to an air cargo transport contract, in accordance with the head of this article.

§ 2 The transport of air cargo and live animals shall observe proper contracting regime and check-in procedures.

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CHAPTER II
PASSENGER CHECK-IN AND EXECUTION OF THE AIR TRANSPORT CONTRACT

Section I
Check-in and Attendance to Boarding

Article 16. Passengers shall present a civil identification document with public faith and valid throughout the Brazilian territory for boarding domestic and international flights, in compliance with the provisions of Decree No. 5,978, of December 4, 2006.

§ 1 For domestic flights, the original or a certified copy of the civil identification document referred to in the head provision shall be accepted.

§ 2 Foreign passengers shall present a valid foreign passport or other travel document for boarding, pursuant to Decree No. 5,978, of 2006.

§ 3 The presentation of a birth certificate may be accepted for boarding of passengers under 12 years old, in compliance with requirements set out in Law No. 8,069, of July 13, 1990.

§ 4 In cases of theft, robbery or loss of the passenger's identification document, the Police Report issued by competent public security authority shall be accepted for domestic flights.

Article 17. If intending to transport goods whose value exceeds the compensation limit of 1,131 Special Drawing Rights – SDR, in the checked baggage, the passenger may present to the operator a special declaration of value during check in.

§ 1 The special declaration of value shall be made by filling the form provided by the operator. The passenger shall receive a copy of the declaration.

§ 2 The purpose of the special declaration is to state the value of checked baggage and allow an increase in the compensation if baggage is lost or tampered with.

§ 3 Regarding international transport, other compensation limits shall be observed in accordance with the applicable international agreement and shall be duly informed to the passenger.

Article 18. The passenger shall comply with the requirements indicated below related to the execution of the air transport contract:

I – show up for boarding carrying a civil identification document at the time established by the operator;

II – comply with all requirements, such as obtaining correct visas for entry, stay, transit and vaccination certificates required by the countries of destination, stopover and connection;

III – follow the operator's announcements; and

IV – to provide the contact details to be used in any communication regarding acts of misconduct committed by the passenger and the application of the suspension of access to air transport. (Included by Resolution No. 800, of March 9, 2026)

§ 1 Failure to comply with any of the requirements of this article authorizes the

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carrier to deny boarding to the passenger and apply any applicable fines. (Transformed by Resolution No. 800, of March 9, 2026)

§ 2 Committing an act of indiscipline authorizes the carrier to apply the measures defined in specific regulations regarding the treatment to be given to the unruly passengers. (Included by Resolution No. 800, of March 9, 2026)

§ 3 For the purposes of applying item IV of the main clause, communications sent to the contacts provided by the passengers are considered fully effective, and any inaccuracies in the data provided are the passenger's sole responsibility. (Included by Resolution No. 800, of March 9, 2026)

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Article 19. If the passenger does not use the first of multiple legs of a trip, the operator may cancel the remaining legs.

Sole paragraph. The head provision does not apply if the passenger informs the interest in using the remaining legs until the departure time of a domestic flight. In this case, it is prohibited to charge contractual fines.

Section II
Delay, Cancellation, Flight Disruption, and Denial of Boarding

Article 20. The operator shall immediately notify the passenger, using available means of communication:

I – that the flight is delayed and shall indicate the estimated time of departure;

II – about flight disruption or cancellation.

§ 1 In case of delay, the operator shall provide flight status updates every 30 minutes until a new departure time is confirmed.

§ 2 The reason for the delay, cancellation, flight disruption, and denial of boarding shall be provided in writing by the operator, whenever requested by the passenger.

Article 21. The operator shall offer alternative travel arrangements such as rebooking, refund, and service provided by another modal of transport, at the passenger's choice, in the following cases:

I – more than four hours flight delay in relation to the contracted time of departure;

II – flight disruption or cancellation.

III – denial of boarding; and

IV – when the passenger misses a connecting flight, including cases of airport change, if the operator is responsible for the occurrence.

Sole paragraph. The alternatives provided for in the head of this article shall be immediately offered to the passenger if the operator has prior information about a flight delay of more than four hours in relation to the contracted time.

Article 22. Denial of boarding occurs when a passenger shows up for boarding but is not allowed to occupy a seat on the aircraft, except for the cases provided for in Resolution No. 280, of July 11, 2013.

Article 23. When the number of passengers who have checked in is greater than the number of seats, the operator shall look for volunteers to give up their seats and to be rebooked. In this case, due compensation shall be agreed between volunteer and the operator.

§ 1 Rebooking of volunteers on another flight upon acceptance of compensation does not constitute denial of boarding.

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§ 2 The operator may condition the payment of compensations to the signature of a specific acceptance term.

Article 24. In case of denial of boarding, in addition to the provisions of article 21 of this Resolution, the passenger will be entitled to immediate financial compensation made by bank transfer, voucher, or in cash, in the amount of:

I – 250 SDR for domestic flights; and

II – 500 SDR for international flights.

Article 25. Cases of delay, cancellation and flight disruption provided for in this Section are not considered planned contract amendments. These represent contingency situations that occur on the date of the originally contracted flight.

Article 25-A. The carrier shall inform the passenger that the provision of the service is subject to operational factors and compliance with safety requirements, which may result in delays, interruptions, or cancellations, even when necessary measures are taken to ensure the punctuality and regularity of the service. (Included by Resolution No. 813, of September 23, 2026)

Sole paragraph. The information must be provided prior to contracting, in a clear and conspicuous manner and in language that is easy to understand, so as to enable the passenger to plan their trip and become familiar with the operational characteristics of the air transport service. (Included by Resolution No. 813, of September 23, 2026)

Article 25-B. The carrier's civil liability for damages arising from delay, cancellation, interruption of service or missed shipment shall comply with the provisions of the legislation and international treaties in force, and shall not be attributable to the carrier, without prejudice to other excluding hypotheses, liability in fortuitous cases or force majeure, as provided for in Law No. 7,565, of December 19, 1986. (Included by Resolution No. 813, of September 23, 2026)

Sole Paragraph. The liability of third parties for damages resulting from delay or cancellation shall be determined in accordance with the applicable legislation, without prejudice to the obligations attributed to the carrier by the legislation and by this Resolution. (Included by Resolution No. 813, of September 23, 2026)

Section III
Material Assistance

Article 26. Material assistance to the passenger shall be offered in the following cases:

I – flight delay;

II – flight cancellation;

III – flight disruption; or

IV – denial of boarding.

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Sole paragraph. The obligation set forth in this article is distinct from the duty to provide civil reparation for any potential damages, and its fulfillment does not constitute an admission of fault or liability for the delay or interruption of the flight. (Included by Resolution No. 813, of September 23, 2026)

Article 27. The carrier shall ensure that the passenger is provided with the following material assistance within the national territory: (Wording provided by Resolution No. 813, of September 23, 2026)

I – (Repealed by Resolution No. 813, of September 23, 2026)

II – adequate nourishment, provided through credit for food, meals, or an equivalent solution, in cases where the wait exceeds 2 (two) hours; and (Wording provided by Resolution No. 813, of September 23, 2026)

III – more than four hours: hotel accommodations, in case of overnight stay, and round-trip transfer. accommodation, when an overnight stay is required, as well as round-trip transportation between the airport and the place of accommodation, in cases where the waiting time exceeds 4 (four) hours. (Wording provided by Resolution No. 813, of September 23, 2026)

§ 1 The carrier may choose not to provide accommodation to a passenger who resides in the locality of the airport of origin; in such cases, the carrier must provide, free of charge, round-trip transportation between the airport and the passenger's residence. (Wording provided by Resolution No. 813, of September 23, 2026)

§ 2 In the case of a passenger with a disability or reduced mobility, as well as their companions, the assistance provided for under item III of the main provision must be furnished regardless of whether an overnight stay is required, unless such assistance can be replaced by accommodation suited to their needs and the passenger or companion provides express consent. (Wording by Resolution No. 813, of September 23, 2026)

§ 3 The operator is allowed to stop giving material assistance when the passenger opts for full refund of the air ticket or rebooking to another flight offered by the operator at a date and time convenient for the passenger.

Article 27-A. In exceptional situations that broadly compromise the provision of air transport services, the civil aviation authority may, on an extraordinary and time-limited basis, establish specific conditions for the fulfillment of the carrier’s obligations to provide material assistance, as set forth in Article 27. (Included by Resolution No. 813, of September 23, 2026)

Article 27-B. In exceptional cases, when limitations of airport infrastructure, the proven unavailability of local service providers, or other unforeseeable emergency situations make it unfeasible to provide material assistance as stipulated in this Resolution, the carrier may as an alternative means of fulfilling its obligation reimburse the passenger for necessary and reasonable expenses actually incurred for food, transportation, and accommodation, provided that such expenses are duly documented. (Included by Resolution No. 813, of September 23, 2026)

Sole paragraph. Reimbursement shall be made within 7 (seven) days, counted from the submission of proof of expenses. (Included by Resolution No. 813, of September 23, 2026)

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Section IV
Rebooking

Article 28. Rebooking shall be free of charge and shall not overlap previous transport contracts. It shall take precedence over the execution of new transport contracts and must be in accordance with the passenger's choice, in the following terms:

I – on the next available own flight or on a flight offered by another airline, scheduled to operate to the same destination; or

II – on a flight offered by the operator on date and time convenient for the passenger.

Sole paragraph. Pursuant to Resolution No. 280, of 2013, passengers requiring special assistance will be treated under priority conditions in case of rebooking.

Section V
Refund

Article 29. Refunds shall be given within seven days from the date of request, in accordance with the payment method used to purchase the air ticket.

Sole paragraph. In cases of refund, values provided for in article 4, § 1, items II and III, of this Resolution, shall be fully returned.

Article 30. In cases of delay, cancellation, flight disruption or denial of boarding, refund shall occur according to the following terms:

I – full refund, if requested at the airport of origin, stopover, or connection. Return to the airport of origin shall be ensured if the request has been made at the stopover or connection airport;

II – refund proportional to the leg not used if the leg already flown was beneficial to the passenger.

Article 31. Refund may be made through vouchers for air ticket purchase, upon agreement by the passenger.

§ 1 Vouchers and expiration shall be informed to the passenger in writing, via physical or electronic means.

§ 2 In the hypothesis given by the head provision, the free use of vouchers shall be ensured, including purchasing air tickets for third parties.

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CHAPTER III
OBLIGATIONS AFTER AIR TRANSPORT CONTRACT EXECUTION

Article 32. Checked baggage is considered delivered in good conditions when accepted by the passenger with no claim.

§ 1 Once baggage loss is noticed, the passenger shall immediately file a claim with the operator.

§ 2 The operator shall return the lost baggage at a location indicated by the passenger, observing the following deadlines:

I – within seven days, in the case of domestic flights; or

II – within 21 days, in the case of international flights.

§ 3 If baggage is not located within the period defined by paragraph 2 of this article, the operator shall refund the passenger within 7 days.

§ 4 If baggage is tampered with or damaged, the passenger shall file a claim with the operator within 7 days from baggage receipt.

§ 5 The operator shall adopt one of the following measures within 7 days from the date of the claim:

I – repair the damage, when possible;

II – replace damaged baggage with equivalent baggage;

III – compensate the passenger when baggage is tampered with.

Article 33. In the event of baggage loss, refund of expenses shall be due to the passenger who is away from home.

§ 1 Refunds of expenses shall be made within 7 days from the presentation of proof of expenses.

§ 2 Contractual rules shall establish form and daily limits for refunds.

§ 3 If baggage is not found:

I – the refund of expenses may be deducted from the amount paid as final compensation, subject to the limits provided for in article 17 of this Resolution.

II – the operator shall refund the passenger for any additional values paid for baggage transport.

§ 4 Refund may be made via vouchers for purchase of air ticket and other services, upon agreement by the passenger.

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Article 34. Damage to checked fragile items may not be compensated by the operator under the terms of the transport contract.

CHAPTER IV
SERVICE TO AIR TRANSPORT USERS

Article 35. The operator shall provide the users with at least one electronic service channel for complaints, information, contract amendment, termination, and refund.

Article 36. The operator that registers less than 1,000,000 passengers transported in the previous year may maintain the operation of the Customer Service – CS for telephone assistance on the days when flights are operating in the Brazilian territory and during business hours, pursuant to the exception provided for in article 5 of Decree No. 6,523, of July 31, 2008.

Sole paragraph. Operators are allowed to share CS for telephone assistance.

Article 37. The operator shall provide in person assistance at the airport to handle information requests, doubts, and complaints, as well as responsibilities for delays, cancellations, flight disruptions, and denials of boarding.

§ 1 Service may be provided in a separate and duly identified place or at the check-in desk, at the operator's discretion.

§ 2 Service referred to in the head of this article shall be available for at least two hours before takeoff and two hours after landing. It shall continue while the operation is in progress and in cases of delay, cancellation, flight disruption, and denial of boarding.

Article 38. Information requested by users shall be given immediately and complaints shall be answered within a maximum of ten days from claim registration, except for specific deadlines established in this Resolution.

Article 39. The operator shall respond to user within ten days, reports sent via the electronic service system adopted by ANAC.

CHAPTER V
FINAL AND TEMPORARY PROVISIONS

Article 40. Operators shall ensure that their representatives comply with this Resolution.

Article 41. The general procedure provided for in Resolution No. 25, of April 25, 2008, and in Normative Instruction No. 8, of June 6, 2008 applies to administrative proceedings aimed at investigating breaches of the requirements established in this Resolution (As amended by Resolution No. 434, of June 27, 2017)

Article 42. After five years of the effective date of this Resolution, the Department of Air Services – SAS shall submit to the Board of Directors a report on Resolution's application, effectiveness, and results, indicating points for revision.

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Sole paragraph. The Board of Directors will decide about the approval of the report and revision of the regulation.

Article 43. Non-compliance with the requirements established in this Resolution will characterize breach described in article 302, item III, subitem "u", of Law No. 7,565, of December 19, 1986. Breaching parties are subject to fines set out in the table presented in the Annex to this Resolution. (As amended by Resolution No. 434, of June 27, 2017)

Article 44. This Resolution takes effect 90 days after its publication.

Article 45. Publications revoked:

I - Civil Aviation Instruction 2203-0399 (IAC 2203-0399), titled "Information for Air Transport Users";

II - Ordinance of the Department of Civil Aviation (DAC) No. 155/DGAC, of March 22, 1999, published in the Official Gazette of March 24, 1999, Section 1, page 48, which approved the aforementioned IAC;

III - Resolution No. 130, of December 8, 2009, published in the Official Gazette of December 9, 2009, Section 1, page 13;

IV - Resolution No. 138, of March 9, 2010, published in the Official Gazette of March 12, 2010, Section 1, pages 13 and 14;

V - articles 4, 5, 9 and 10 of Resolution No. 140, of March 9, 2010, published in the Official Gazette of March 12, 2010, Section 1, page 14;

VI - Resolution No. 141, of March 9, 2010, published in the Official Gazette of March 15, 2010, Section 1, pages 7 and 8;

VII - Resolution No. 196, of August 24, 2011, published in the Official Gazette of August 29, 2011, Section 1, pages 8 and 9;

VIII - § 2 and § 3 of article 10 of Resolution No. 350, of December 19, 2014; and

IX - International Air Services Standards - NOSAI CT – 011, CT – 012, TP – 005, TP – 024.

JOSÉ RICARDO PATARO BOTELHO DE QUEIROZ
Director-President

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ANNEX TO RESOLUTION No. 400 of DECEMBER 13, 2016

FINES FOR BREACHES TO THIS RESOLUTION

Fine (in Brazilian currency – Real)		
Minimum	Intermediate	Maximum
20,000	35,000	50,000

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