



NATIONAL CIVIL AVIATION AGENCY

RESOLUTION No. 178 OF DECEMBER 21, 2010.

This Resolution establishes the procedures for landing or overflight report, and request to stay in Brazilian territory by foreign civil aircraft operating non-commercial air transportation services.

THE BOARD OF DIRECTORS OF THE NATIONAL CIVIL AVIATION AGENCY – ANAC, based on its competence granted by article 11, item V, Law No. 11182 of September 27, 2005, and considering what is established by the Title II, Law No. 7565 of December 19, 1986 and by the Decree No. 97464 of January 20, 1989 and by the opinions composing Process No. 60800.005240/2010-97 and also considering decisions taken during the Deliberative Meeting of December 21, 2010,

RESOLVE:

Article 1 – To establish, based on Decree No. 97464 of January 20, 1989, the procedures for landing or overflight report and request to stay in Brazilian territory by foreign civil aircraft registered by any ICAO (International Civil Aviation Organization) Member States and operating non-commercial air transportation services.

Sole paragraph. This Resolution does not apply when the aircraft here mentioned:

I – belongs to a foreign airline company with accredited representative in Brazil and which operates air transportation services of passengers, cargo or mail in the country;

II – is equipped with sensors and/or aero survey or scientific research equipments; or

III – is transporting explosives and/or war material.

Section I General Dispositions

Article 2 – In order to overfly and/or land in the Brazilian territory, all foreign aircraft must have insurance against damages to third parties on the ground.

Article 3 – The Aerodrome Operator is responsible to notice federal inspection authorities about foreign aircraft arrival at least 2 (two) hours prior to the estimated time for landing.

Section II

Informing Brazilian Authorities on entering and overflying the Brazilian Air Space, Landing or not Landing in the Brazilian Territory

Article 4 – Before presenting the flight plan every operator or pilot in command of a foreign aircraft mentioned in article 1 of this Resolution must inform ANAC about the location of landing or overflying as well as the estimated day and time for the flight, the route and specific place of entry in the Brazilian territory, aircraft nationality and type, the purpose of the flight and, if appropriate, the international airport of entry in Brazil.

§ 1 The notice required in the caput of this article must be done by recording information in the website of the ANAC's worldwide network of computers, <http://www.anac.gov.br>.

§ 2 Recording the information according to what is established in this article implies the generation of foreign aircraft register.

§ 3 Aircraft authorized according to what is established in article 7 of this Resolution are exempted from prior notice mentioned in the caput of this article.

Article 5 – In case of impediment to the register according to article 4 of this Resolution, may be accepted the information contained in the flight plan, submitted in accordance with the rules of the Department of Airspace Control (DECEA) as advance notice of arrival of the aircraft in Brazilian territory.

Article 6 – The Aerodrome Operator is responsible for verifying if the aircraft is registered in the website of the National Civil Aviation Agency – ANAC before applying airport charges and before the aircraft takeoff and departure from Brazilian territory.

Sole paragraph. If it is proved that the foreign aircraft is not registered the Aerodrome Operator must request appropriate registering according to article 4, first paragraph of this Resolution.

Section III

Permit to Stay in the Brazilian Territory

Article 7 – Every operator or pilot in command of a foreign aircraft that intends to fly to another airport in the Brazilian territory after first landing in an international airport of entry must receive a permit to stay issued by ANAC.

§ 1 Application to obtain a permit to stay in the Brazilian territory with the intention of receiving the Flight Permission issued by ANAC (AVANAC) must be requested at least 24 (twenty four) hours before the estimated time for landing. An electronic application form must be filled in which is available at the website of ANAC and the following documents must be electronically attached to the mentioned form:

I – aircraft registration and airworthiness certificates;

II – crew licenses and technical and medical certificates; and

III – insurance policy against damages to third parties on the ground.

§ 2 Provisions in the caput of this article also applies to aircraft manufactured in the country to be transferred abroad from the Brazilian territory to the foreign buyer.

Article 8 – For emergency or exceptional cases applications which are not in accordance with article 7, first paragraph of this Resolution may be accepted. Nonetheless permit to stay in the Brazilian territory is conditional upon obtaining the AVANAC.

Article 9 – The AVANAC will not be issued if the aircraft leaves the country after its first landing in Brazil regardless of the period that the aircraft stays parked at the international airport of entry.

Article 10 – Apart from the AVANAC foreign aircraft staying in the Brazilian territory must comply with customs authorities due formalities established in specific legislation. Other dispositions of Decree No. 97464 of 1989 must also be observed.

Article 11 – The AVANAC expires when:

I – the aircraft leaves the Brazilian territory after last departing from an international airport in the country;

II – any of the documents listed in article 7, first paragraph of this Resolution expires or is suspended or canceled;

III – there is a change of technical crew without previously notifying ANAC for due authorization;

IV – the office of the Secretariat of the Federal Revenue of Brazil (RFB) at the international airport of entry does not issue a document regarding entry and temporary admission called *Termo de Entrada e Admissão Temporária* (TEAT) or equivalent; or

V – the aircraft does not land at an international airport in 2 (two) working days after the estimated time for its arrival.

Article 12 – AVANAC validity may be extended for equal periods of 45 (forty-five) days upon request at least 15 (fifteen) days in advance, according to article 9 of Decree No. 97464 of 1989.

§ 1 The extension of the validity of AVANAC depends on TEAT or equivalent document validity to be extended by the Secretariat of the Federal Revenue of Brazil (RFB). Both expiration dates – AVANAC's and TEAT's – will be identical.

§ 2 If extension is not authorized the aircraft must leave the country using an international airport before AVANAC's expiration date.

Article 13 – AVANAC number identifies the pilot in command as well as the aircraft, and its registration on flight plans is compulsory during the operation of the aircraft in Brazilian territory and also when the aircraft last leaves the country through an international airport.

Article 14 – Confirmation of AVANAC authenticity and consultation of foreign aircraft registration numbers are available at the website of the Agency.

Sole paragraph. ANAC will inspect permits issued and registered aircraft using a computer-based system called DCERTA, approved by Resolution No. 151 of May 7, 2010.

Section IV
Final Dispositions

Article 15 – Any foreign aircraft may be subject to seizure, interdiction or compelled to leave the country if it commits one or more of the violations listed in articles 299 and 302 of Law No. 7565 of December 19, 1986, or even any of the following irregularities:

I – breach of laws, regulations or instructions governing the use of foreign aircraft;

II – perform commercial air transportation disregarding article 2, item IV of Decree No. 97464 of 1989;

III – default on airport charges and aircraft charges and general taxes; and

IV – default on fines imposed on the aircraft owner or operator and/or on the pilot in command for violating laws or regulations.

Article 16 – Flights performed by foreign air charter companies must also follow the rules established by this Resolution.

Article 17 – This Resolution shall entry into force on January 10, 2011 and shall also be published in the English language.

Article 18 – This Resolution repeals Ordinance Number 621/DGAC of December 3, 1993, published in the Federal Official Gazette of Brazil on January 19, 1994, Section 1, page 917, which approved the Civil Aviation Instruction 2216 (IAC 2216-1293).

SOLANGE PAIVA VIEIRA
Director President

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