

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE CIVIL AVIATION AUTHORITY, UNITED KINGDOM

AND

AGÊNCIA NACIONAL DE AVIAÇÃO CIVIL, BRAZIL

FOR

PROMOTION OF CIVIL AVIATION SAFETY

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The Civil Aviation Authority of the United Kingdom (CAA), and the National Civil Aviation Agency of Brazil (ANAC), hereinafter referred to as the “Authorities”:

Considering the *Convention on International Civil Aviation*, done at Chicago on 7 December 1944, to which the United Kingdom of Great Britain and Northern Ireland (the United Kingdom) and the Federative Republic of Brazil are Parties;

Recognising that their standards and systems for airworthiness approvals and environmental certification or acceptance of civil aeronautical products are sufficiently equivalent;

Desiring to promote aviation safety and environmental quality;

Noting their common concerns for the safe operation of civil aircraft;

Recognising the emerging trend towards multinational design, production, and interchange of civil aeronautical products;

Desiring to enhance cooperation and increase efficiency in matters relating to civil aviation safety on the basis of equality, reciprocity and mutual benefit;

Considering the possible reduction of the economic burden imposed on the aviation industry by redundant technical inspections, evaluations and testing;

Recognising the mutual benefit of procedures for the reciprocal acceptance of certificates and approvals;

¹ For the avoidance of doubt the UK CAA considers that the term “Memorandum of Understanding” is synonymous with “Working Arrangement”, which is the term used in Article 90 of the Regulation (EU) No. 2018/1189 applicable in the UK pursuant to s. 3 European Union (Withdrawal) Act 2018 and amended by regulations 82 to 180 of the Aviation Safety (Amendments etc.) (EU Exit) Regulations 2019.



Have reached the following understanding:

1.(a) Each Authority will facilitate recognition and acceptance of the other Authority's certificates/approvals and provide cooperation and assistance on activities within the following areas:

- (i) The airworthiness approval and monitoring of civil aeronautical products;
- (ii) The continuing airworthiness of in-service aircraft;
- (iii) The approval and monitoring of production organisations;
- (iv) The approval and monitoring of maintenance organisations;
- (v) The environmental approval and environmental testing of civil aeronautical products;
- (vi) Related cooperative activities; and
- (vii) Safety initiatives and exchange of relevant safety information.

1.(b) The cooperation between the Authorities may include:

- (i) performing activities on behalf or in support of each other upon request;
- (ii) establishing channels for the exchange of information and data, as appropriate;
- (iii) provision of training;
- (iv) secondment of personnel to each other and exchange of expertise; and
- (v) other forms of civil aviation safety cooperation they may jointly decide upon.

1.(c) The Authorities recognise each other's delegated persons and approved organisations and the certificates and approvals issued by them. This does not limit an Authority's ability to contest the technical competence or compliance of a delegated person or approved organisation with the other Authority.

2.(a) The effective implementation of paragraph 1.(a) of this Memorandum of Understanding will be supported by implementation procedures in the areas identified in that paragraph, and will consider the transition conditions established under Annex I. These implementation procedures form part of this Memorandum of Understanding.



2.(b) The Technical Implementation Procedures – TIP, supports airworthiness and environmental certification.

2.(c) The Maintenance Annex Guidance (MAG) supports the approval and monitoring of maintenance organisations. Annex II to this Memorandum of Understanding contains the Special Conditions applicable to the approval of maintenance facilities in each other's jurisdictions.

3.(a) The Authorities will continuously work to understand each other's systems, including standards, rules, practices and procedures, relevant to this Memorandum of Understanding.

3.(b) The Authorities will ensure that they keep each other informed of all their relevant laws, regulations, standards and requirements and of proposed significant revisions to them.

4. The designated offices for the technical coordination and implementation of this Memorandum of Understanding and its necessary implementation procedures are:

(i) For ANAC:

(a) Superintendência de Padrões Operacionais (SPO) (Flight Standards Department) for the areas identified in paragraphs 1.(a)(iv),(vi) and (vii).

(b) Superintendência de Aeronavegabilidade (SAR) (Airworthiness Department) for the areas identified in paragraphs 1.(a)(i),(ii),(iii),(v),(vi) and (vii).

(ii) For the CAA: Future Safety (Safety and Airspace Regulation Group (SARG)).

5. The representatives for the designated offices will meet at least once a year, or as they otherwise decide, to evaluate the effective implementation of this Memorandum of Understanding.

6. The activities performed under this Memorandum of Understanding will not impose additional costs for the Authorities or industry other than those defined by law or necessary to cover the cost of the activities performed.



7. Subject to their respective legislation, the Authorities will not disclose to the public any information received from each other under this Memorandum of Understanding which constitutes trade secrets, confidential information, or information that relates to an ongoing investigation and will take all reasonable precautions necessary to protect information received under this Memorandum of Understanding from unauthorised disclosure.

8. The Authorities understand that, in the case of conflicting interpretations of standards and other criteria, and after having discussed all technical subjects, the interpretation of the Authority that issued that standard or criteria will prevail.

9. Unless they jointly decide otherwise in writing, the Authorities will prepare and submit all correspondence and documentation under this Memorandum of Understanding in the English language.

10.(a) Nothing in this Memorandum of Understanding will be construed to limit the authority of an Authority to take all appropriate and immediate measures whenever there is a reasonable risk that a product or a service may:

- (i) compromise the health or safety of persons;
- (ii) not meet the applicable legislative, regulatory, or administrative measures of that Authority within the scope of this Memorandum of Understanding; or
- (iii) otherwise fail to satisfy a requirement within the scope of the applicable implementation procedures under this Memorandum of Understanding.

10.(b) Where either Authority takes measures pursuant to paragraph 10(a) it will inform the other Authority in writing within 15 working days of taking such measures, providing reasons for its measures.

11.(a) This Memorandum of Understanding will come into operation on 1 January 2021, provided that it has been signed by duly authorised representatives of the Authorities below.

11.(b) The Authorities may amend this Memorandum of Understanding upon their mutual written consent. These amendments may include additional areas of cooperation to those listed in paragraph 1.



11.(c) Either Authority may terminate this Memorandum of Understanding by giving 90 days written notice to the other Authority.

11.(d) The Authorities understand that such termination will also terminate all existing implementation procedures under this Memorandum of Understanding.

11.(e) Notwithstanding termination, the Authorities will continue to meet their commitments regarding the approval/certificates issued prior to the termination, which will remain valid subject to continued compliance with applicable laws and the Special Conditions (for maintenance organisations), aiming to minimise the impact to the approval/certificate holders.

11.(f) This Memorandum of Understanding applies to organisations whose principal place of business is located in the territories of the Federative Republic of Brazil or the United Kingdom.

11.(g) Upon its coming into effect, this Memorandum of Understanding supersedes any prior arrangements between ANAC and the CAA regarding the activities within its scope as listed in paragraph 1.(a).

FOR THE CIVIL AVIATION
AUTHORITY OF THE UNITED
KINGDOM



Robert Bishton
Group Director
Safety and Airspace Regulation
Group, Civil Aviation Authority

FOR THE NATIONAL CIVIL
AVIATION AGENCY OF BRAZIL



Juliano Alcântara Noman
Deputy Director-President

Signed at.....United Kingdom
On 02/12/2020

Signed at.....Brasília
On 30/11/2020

Annex I

Special Arrangement concerning the transition of Brazil-United Kingdom cooperation performed under the Agreement between the Government of the Federative Republic of Brazil and the European Union on civil aviation safety

1. The paragraphs in this Annex are intended to assure the continuity of the existing activities between The Federative Republic of Brazil and the United Kingdom initiated under the Agreement between the government of the Federative Republic of Brazil and the European Union on Civil Aviation Safety (Brazil-EU BASA) prior to the coming into operation of this Memorandum of Understanding.
2. ANAC recognises the operation of the UK's European Union (Withdrawal) Act 2018 and the Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019, which provide for the continuing operation and validity of the approvals issued by the European Union Aviation Safety Agency (EASA) or an EASA approved organisation under the Brazil-EU BASA as though they were issued by the CAA.
3. EASA-issued type certificates, supplemental type certificates, European Technical Standards Order authorisations, releases to service by an appropriately approved maintenance organisation and any other similar certificate or authorisation will be recognised for UK registered aircraft as though they were CAA-issued certificates, releases or authorisations for as long as they remain valid.
4. Organisational approvals, such as maintenance organisation approvals (AMOs) issued to Brazilian and United Kingdom organizations under the Brazil-EU BASA prior to the coming into operation of this Memorandum of Understanding, are recognised for a period of up to two years from 31 December 2020, or until their expiration date, provided that they were issued and applicable before 31 December 2020. A release to service issued by an AMO under such an approval remains valid indefinitely, unless and until suspended or revoked.
5. From 1 January 2023 or after the expiration date of any approval issued under the Brazil-EU BASA, all relevant approvals or renewals will be subject to the provisions of this Memorandum of Understanding.



Annex II

Special Conditions Applicable to the Approval of Maintenance Organisations

The recognition by one Authority of a maintenance organisation under the jurisdiction of the other Authority will be based upon the maintenance organisation:

- (a) having a certificate/approval from that other Authority to perform maintenance functions; and
- (b) adopting a supplement to its maintenance organisation manual/exposition which will, at a minimum, cover the Special Conditions set out below.

1. CAA Special Conditions Applicable to the Approval of Brazilian based Maintenance Organisations

1.1 To be approved in accordance with United Kingdom Part 145², pursuant to the terms of this Annex, the maintenance organisation will comply with all of the following Special Conditions:

(a) The maintenance organisation will submit an application in a form and a manner acceptable to the CAA. The application for both initial and continuation of the CAA approval will include a statement demonstrating that the CAA approval is necessary for maintaining or altering aeronautical products registered or designed in the United Kingdom or parts fitted thereon.

(b) The maintenance organisation will provide a supplement to its Maintenance Organisation Manual that is verified and approved by the ANAC on behalf of the CAA. All revisions to the supplement must be approved by ANAC. The supplement will include the following:

(i) A statement by the accountable manager of the maintenance organisation, as defined in the current version of Part 145 which commits the maintenance organisation to compliance with this Annex and the Special Conditions as listed.

² Annex II of Commission Regulation (EU) No. 1321/2014 applicable in the UK pursuant to s. 3 European Union (Withdrawal) Act 2018 and amended by regulations 237 to 284 of the Aviation Safety (Amendments etc.) (EU Exit) Regulations 2019.



(ii) Detailed procedures for the operation of an independent quality monitoring system including oversight of all multiple facilities within the territory of the Federative Republic of Brazil and all applicable line stations.

(iii) Procedures for the release or approval for return to service that meet the requirements of Part 145 for aircraft and the use of the ANAC Form F-100-01 (also referred to as ANAC Form SEGVOO 003) for aircraft components, and any other information required by the owner or operator as appropriate.

(iv) Procedures to ensure that all parts used to repair UK registered aircraft or components to be fitted thereto were manufactured or maintained by organisations acceptable to the CAA.

(v) Procedures to ensure that repairs and modifications as defined by CAA requirements are accomplished in accordance with data approved by the CAA.

(vi) A procedure for the maintenance organisation to ensure that ANAC approved initial and recurrent training programme and any revision thereto include human factors training.

(vii) Procedures for reporting non-airworthy conditions as required by Part 145 on civil aeronautical products to the CAA, aircraft design organisation, and the customer or operator.

(viii) Procedures to ensure completeness of, and compliance with, the customer or operator work order or contract including notified CAA airworthiness directives and other notified mandatory instructions.

(ix) Procedures in place to ensure that contractors meet the terms of these implementation procedures; that is, using a CAA approved Part 145 organisation or, if using an organisation which does not hold a CAA Part 145 approval, the maintenance organisation returning the product to service is responsible for ensuring its airworthiness.

(x) Procedures to permit work away from the fixed location on a recurring basis, when applicable.

(xi) Procedures to ensure appropriate covered hangars are used when performing base maintenance of UK aircraft.



(xii) Procedures to confirm that the AMO supervisors and employees responsible for final inspection and return to service are able to read, write, and understand English.

1.2. To continue to be approved in accordance with Part 145, pursuant to the terms of this Annex, the relevant maintenance organisation will comply with the following, subject to ANAC verification:

(a) It will allow the CAA, or the ANAC on behalf of the CAA, to inspect it for continued compliance with the requirements of the Brazilian Regulation RBAC 145 and these Special Conditions.

(b) It will accept that investigation and enforcement action may be taken by the CAA in accordance with any relevant United Kingdom regulations and CAA procedures.

(c) It will cooperate with any CAA investigation or enforcement action.

(d) It will continue to comply with Brazilian Regulation RBAC 145, and these Special Conditions.

2. ANAC Special Conditions applicable to United Kingdom based Approved Maintenance Organisations.

2.1. To be approved in accordance with Brazilian Regulation RBAC 145, pursuant to the terms of this Annex, the AMO will comply with all of the following Special Conditions:

(a) The AMO will submit an application in a form and a manner acceptable to the ANAC. The application for both initial and renewed ANAC certification will include a statement demonstrating that ANAC approval is necessary for maintaining or altering Brazilian registered aeronautical products or foreign registered aeronautical products operated under the provisions of Brazilian Regulations.

(b) The AMO will provide a supplement in English to its MOE that is approved by the CAA and maintained at the AMO. Once approved by the CAA, the supplement will be deemed accepted by ANAC. All revisions to the



supplement must be approved by the CAA. The ANAC supplement to the MOE will include the following:

(i) A signed and dated statement by the accountable manager that obliges the organisation to comply with the Annex.

(ii) A summary of its quality system which will also cover the ANAC special conditions.

(iii) Procedures for approval for release or return to service that satisfy the requirements of Brazilian Regulation RBAC 43 for aircraft and use of CAA Form 1 for components. This includes the information required by Brazilian regulations RBAC 43.9 and 43.11 and all information required to be made or kept by the owner or operator in English as appropriate.

(iv) Procedures for reporting to ANAC failures, malfunctions, or defects, and Suspected Unapproved Parts (SUP) discovered, or intended to be installed, on Brazilian aeronautical products.

(v) Procedures to qualify and monitor additional fixed locations within the United Kingdom and EU Member States and all applicable line stations inside and outside the United Kingdom.

(vi) Procedures in place to verify that all contracted/sub-contracted activities include provisions for a non ANAC certificated source to return the Article to the AMO for final inspection/testing and return to service.

(vii) Procedures to ensure that major repairs and major alterations/modifications (as defined in Brazilian Regulations) are accomplished in accordance with data approved by the ANAC.

(viii) Procedures to ensure compliance with air carrier's Continuous Airworthiness Maintenance Programme (CAMP), including the separation of maintenance from inspection on those items identified by the air carrier/customer as Required Inspection Items (RII).

(ix) Procedures to ensure compliance with the manufacturer's maintenance manuals or instructions for continued airworthiness (ICAs) and handling of deviations.



(x) Procedures to ensure that all current and applicable airworthiness directives (ADs) published by ANAC are available to maintenance personnel at the time the work is being performed.

(xi) Procedures for the AMO to guarantee its capability to clearly comprehend information presented in the Portuguese language.

(xii) Procedures to permit work away from fixed location on a recurring basis, when applicable.

(xiii) Procedures to maintain, at least for 5 (five) years, each Work Order with all attached supplementary forms and part certifications.

(xiv) Procedures to issue the Airworthiness Verification Certificate (CVA – certificado de verificação de aeronavegabilidade) in form and manner established by ANAC, when an AMO is authorised to issue the CVA.

2.2. To continue to be approved in accordance with Brazilian Regulations RBAC 43 and 145, pursuant to the terms of this Annex, the AMO will comply with the following, subject to verification by the CAA:

(a) It will allow ANAC, or the CAA on behalf of the ANAC, to inspect it for continued compliance with the requirements of Part 145 and these Special Conditions;

(b) It will accept that investigations and enforcement may be taken by the ANAC in accordance with ANAC rules and directives;

(c) It will cooperate with any investigation or enforcement action;

(d) It will continue to comply with Part 145 and these Special Conditions.

