

IMPLEMENTATION PROCEDURES

FOR

DESIGN APPROVAL, PRODUCTION ACTIVITIES,
EXPORT AIRWORTHINESS APPROVAL,
POST DESIGN APPROVAL ACTIVITIES, AND
TECHNICAL ASSISTANCE BETWEEN AUTHORITIES

Under the Agreement between
The Government of the United States of America
and
The Government of Brazil
For Promotion of Aviation Safety

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IMPLEMENTATION PROCEDURES

for

Design Approval, Production Activities, Export Airworthiness Approval, Post Design Approval Activities, and Technical Assistance Between Authorities

SECTION I GENERAL

- 1.0 Authorization. These Implementation Procedures are authorized by Article III of the Agreement between the Government of the United States of America and the Government of Brazil for the Promotion of Aviation Safety, dated March 22, 2004, also known as the Bilateral Aviation Safety Agreement, or “BASA Executive Agreement.” In accordance with Article III, the Federal Aviation Administration (FAA) and Agência Nacional de Aviação Civil (ANAC) have determined that the aircraft certification systems of each authority for the design approval, production approval, airworthiness certification, and continuing airworthiness of civil aeronautical products, parts, and appliances are sufficiently similar in structure and performance to support these Implementation Procedures.
- 1.1 Purpose. The purpose of this document is to define the civil aeronautical products, parts, and appliances eligible for import into the United States and Brazil (See *Section II - Scope*), and to define the interface requirements and activities between the authorities for the import and continued support of those civil aeronautical products.
- 1.2 Principles. These Implementation Procedures address the performance of design, production, airworthiness, and related certification functions, and are based on a high degree of mutual confidence in the FAA’s and ANAC’s technical competence and regulatory capabilities to perform these tasks within the scope of these Implementation Procedures. The FAA and ANAC, as importing civil airworthiness authorities, shall give the same validity to the certification made by the other, as the exporting civil airworthiness authority, as if the certification had been made by the FAA or ANAC in accordance with its own applicable laws, regulations, and requirements. Also, when a finding is made by one authority in accordance with the laws and regulations of the other authority and with these Implementation Procedures, that finding is given the same validity as if it were made by the other authority. Therefore, the fundamental principle of these Implementation Procedures is to maximize the use of the exporting civil airworthiness authority’s aircraft certification system to ensure that the airworthiness standards of the importing civil airworthiness authority are satisfied.
 - 1.2.0 The FAA and ANAC agree that all information, including technical documentation, exchanged under these Implementation Procedures will be in the English language.

1.2.1 The FAA and ANAC mutually recognize each other's delegation and designee systems as part of their overall aircraft certification systems. Findings made pursuant to these Implementation Procedures through these systems are given the same validity as those made directly by the authority. In advance of designees or representatives of delegated organizations traveling to the United States or Brazil to witness tests, to perform conformity inspections, and/or to make determinations of compliance, the FAA or ANAC will coordinate designee activities with the other authority.

1.3 Changes in Authority Aircraft Certification Systems.

1.3.0 These Implementation Procedures are based upon sufficiently similar aircraft certification systems being in place at the time of signing. Therefore, the importing and exporting authorities shall keep each other informed of significant changes within those systems, such as:

- (a) statutory responsibilities;
- (b) organizational structure (e.g., key personnel, management structure, technical training, office location);
- (c) significant revisions to airworthiness and environmental standards and procedures;
- (d) production quality control system oversight of newly initiated out-of-country production; or
- (e) delegated functions or the kinds of organizations to which functions have been delegated.

1.3.1 The FAA and ANAC recognize that revision by either authority to its regulations, policies, procedures, statutory responsibility, organizational structure, production quality control system oversight, or delegation system may affect the basis and the scope of these Implementation Procedures. Accordingly, upon notice of such changes by one authority, the other authority may request a meeting to review the need for amendment to these Implementation Procedures.

1.4 Authority Meetings. The FAA and ANAC agree to meet as necessary to review these Implementation Procedures and their continued validity. The frequency of these meetings will be mutually agreed by both authorities, and will depend on the number and significance of the issues to be discussed between the authorities.

1.5 Applicable National Requirements, Procedures, and Guidance Material.

1.5.0 The FAA's standards for aircraft airworthiness and environmental certification are contained in the Code of Federal Regulations (CFR), Title 14, Parts 21, 23, 25, 27, 29, 31, 33, 34, 35, and 36. The FAA also uses Certification Specifications CS-22 and CS-VLA for some special class aircraft. Guidance material, policy, and procedures are contained in FAA Advisory Circulars, Orders, Notices and Policy Memoranda.

1.5.1 The ANAC's standards for aircraft airworthiness and environmental certification are contained in Regulamentos Brasileiros de Homologação Aeronáutica (RBHA) 21, 22, 23, 25, 26, 27, 29, 31, 33, 34, 35, and 36. Guidance material, policy, and procedures are contained in ANAC Information Circulars and Procedures Manuals.

1.6 Interpretations. In the case of conflicting interpretations of the laws, airworthiness or environmental regulations/standards, requirements, or acceptable means of compliance pertaining to certifications, approvals, or acceptance under these Implementation Procedures, the interpretation of the civil airworthiness authority whose law, regulation/standard, requirement, or acceptable means of compliance is being interpreted shall prevail.

1.7 Amendments and Points of Contact.

1.7.0 These Implementation Procedures may be amended by mutual consent of the FAA and ANAC. Such amendments shall be made effective by signature of the duly authorized representatives of the FAA and the ANAC.

1.7.1 The designated offices for the technical implementation of these Implementation Procedures are:

For the FAA:

International Policy Office (AIR-40)
Room 600W
c/o Wilbur Wright Building
800 Independence Avenue, SW
Washington, DC 20591
USA

Telephone: 1-202-385-8950

Fax: 1-202-493-5144

For the ANAC:

Aeronautical Products Certification Branch
(GGCP)
CTA-IFI Building
Praça Marechal Eduardo Gomes, No. 50
Vila das Acácias
12231-970 São José dos Campos, SP
Brazil

Telephone: 55-12-3941-4600

Fax: 55-12-3941-4766

1.7.2 The designated offices for administrative coordination of these Implementation Procedures are:

For the FAA:

Assistant Administrator for
International Aviation
(API-1)

Room 600E
c/o Wilbur Wright Building
800 Independence Ave., SW
Washington, DC 20591
USA

Telephone: 1-202-385-8857
Fax: 1-202-267-5032

For the ANAC:

Regulations Branch (GR)
Aeronautical Products Certification Branch
(GGCP)

CTA-IFI Building
Praça Marechal Eduardo Gomes, No. 50
Vila das Acácias
12231-970 São José dos Campos, SP
Brazil

Telephone: 55-12-3913-6131
Fax: 55-12-3941-4766

1.8 Entry Into Force and Termination. These Implementation Procedures shall enter into force upon signature and shall remain in force until terminated by either party. Either the FAA or ANAC may terminate these Implementation Procedures upon sixty days written notice to the other party. Termination will not affect the validity of activity conducted under these Implementation Procedures prior to termination.

1.9 Definitions. For the purpose of these Implementation Procedures the following definitions are provided. Additional definitions can be found in Article II of the BASA executive agreement.

(a) “Additional Technical Condition” means a requirement of the importing country that is in addition to the applicable airworthiness requirements of the State of Design or that may be prescribed to provide a level of safety equivalent to that provided by the applicable airworthiness requirements for the importing country.

(b) “Airworthiness Standards” means regulations governing the design and performance of civil aeronautical products, parts, and appliances.

(c) “Appliance” means any instrument, equipment, mechanism, part, apparatus, appurtenance, or accessory, including communications equipment that is used or intended to be used in operating or controlling an aircraft in flight and is installed in or attached to the aircraft.

(d) “Civil Aeronautical Product” (herein also referred to as “product”) means each civil aircraft, aircraft engine, or propeller.

(e) “Critical Component” means a part for which a replacement time, inspection interval, or related procedure is specified in the Airworthiness Limitations section of the manufacturer’s maintenance manual or Instructions for Continued Airworthiness.

(f) “Environmental Approval” means an approval issued when a civil aeronautical product has been found to comply with standards concerning noise, fuel venting, and/or exhaust emissions.

(g) “Environmental Standards” means regulations governing designs with regard to noise characteristics, fuel venting, and exhaust emissions of civil aeronautical products and appliances.

(h) “Environmental Testing” means a process by which a civil aeronautical product or appliance is determined to comply with environmental standards.

(i) “Equivalent Level of Safety Finding” means a finding that alternative action taken provides a level of safety equal to that provided by the requirements for which equivalency is being sought.

(j) “Exemption” means a grant of relief from requirements of a current regulation when processed through the appropriate regulatory procedure by the FAA or ANAC, and found to have a level of safety at least equal to the regulation for which the relief is granted.

(k) “Export” means the process by which a product, part or appliance is released from a civil aviation authority’s regulatory system for subsequent use by another country.

(l) “Exporting Civil Airworthiness Authority” means the national organization within the exporting State, charged by the laws of the exporting State, to regulate the airworthiness and environmental certification, approval, or acceptance of civil aeronautical products, parts, and appliances. The exporting civil airworthiness authority will be referred to herein as the exporting authority.

(m) “Familiarization” means the process whereby the importing authority obtains information and experience on an aeronautical product designed in the exporting State in order to: prescribe additional technical conditions for that product; implement corrective airworthiness action in the event that the product experiences service difficulties during its operation in the importing State; and ensure development of appropriate maintenance, operating, and pilot type rating information (if applicable) for the product.

(n) “Finding,” means a determination of compliance/non-compliance as the result of an airworthiness authority’s review, investigation, inspection, test, and/or analysis.

(o) “Import” means the process by which an exported product, part or appliance is accepted by a country’s civil aviation authority for its own use and subsequently placed under that authority’s regulatory system.

(p) “Importing Civil Airworthiness Authority” means the national organization within the importing State, charged by the laws of the importing State with regulating the airworthiness and environmental certification, approval, or acceptance of civil aeronautical products, parts, and appliances. The importing civil airworthiness authority will be referred to herein as the importing authority.

- (q) “Issue Paper” means a document representing an item that requires resolution prior to the issuance of the FAA type or supplemental type certificate. The corresponding ANAC document is called “Ficha de Controle de Assuntos Relevantes (FCAR).”
- (r) “Licensing Agreement” means a commercial contract between a Type Certificate (TC) or Supplemental Type Certificate (STC) holder and a Production Approval Holder (or applicant) formalizing the rights and duties of both parties to use the design data for the purpose of manufacturing the product or part.
- (s) “Maintenance” means the performance of inspection, overhaul, repair, preservation, and the replacement of parts or appliances of a product, but excludes preventive maintenance.
- (t) “Manufacturer” means the person who, by FAA or ANAC regulation, is responsible for determining that all products or parts thereof produced within the quality control system conform to an FAA or ANAC-approved design or established government or industry standard and are in a condition for safe operation.
- (u) “Multi-National Consortium” means a group of manufacturers from multiple countries who have agreed to form a single company for production of a particular product.
- (v) “New Aircraft” means an aircraft that is still owned by the manufacturer, distributor, or dealer, if there is no intervening private owner, lease, or time-sharing arrangement, and the aircraft has not been used in any pilot school and/or other commercial operation.
- (w) “Person” means an individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity, and includes a trustee, receiver, assignee, or other similar representative of any of them.
- (x) “Priority Part” means each part or assembly in an FAA or ANAC approved design that, if it were to fail, could reasonably be expected to cause an unsafe condition in an aircraft, aircraft engine, or propeller.
- (y) “Product” see (d) Civil Aeronautical Product.
- (z) “Production Quality System” means a systematic process, which meets the production quality requirements of the exporting authority and ensures that products, parts, and appliances will conform to the approved design and will be in a condition for safe operation.
- (aa) “Special Condition” means an additional airworthiness standard(s) prescribed by the FAA or ANAC when the airworthiness standards for the category of product do not contain adequate or appropriate safety standards due to novel or unusual design features. Special Conditions contain such safety standards as the FAA or ANAC finds necessary to establish a level of safety equivalent to that established in the applicable regulations.

(bb) “Standard Part” means a part that is manufactured in complete compliance with an established government or industry-accepted specification, which contains design, manufacturing, and uniform identification requirements. The specification must include all information necessary to produce and conform the part, and must be published so that any party may manufacture the part.

(cc) “Supplier” means any person or organization contracted to furnish aviation products, parts, appliances, components, materials, or services (at any tier).

(dd) “Used Aircraft” means each aircraft that is not a new aircraft, as defined in paragraph (v) above.

(ee) “Validation” means the importing authority’s process of type certification or equivalent of a product certificated by either the FAA or ANAC, as exporting authorities.

SECTION II SCOPE OF THESE IMPLEMENTATION PROCEDURES

2.0 General. These Implementation Procedures cover the products, parts, and appliances identified below, their approvals, and the provisions set forth in the following paragraphs.

2.1 Products, Parts, and Appliances Manufactured in the Country of the Exporting Authority Accepted for Import Under These BASA Implementation Procedures.

2.1.0 Brazilian Acceptance of FAA Export Certificates of Airworthiness for the Following Products:

- (a) new and used aircraft;
- (b) new aircraft engines; and
- (c) new propellers.

See Summary Table 1, at the end of this Section, for listing of the classes and categories of U.S. products and associated approvals eligible for import into Brazil.

2.1.1 Brazilian Acceptance of FAA Authorized Release Certificate for the Following Appliances and Parts:

- (a) new TSO appliances;
- (b) new parts that are eligible for installation in a product or appliance, which has been granted an ANAC design approval and that conform to ANAC-approved data. This includes:
 - (1) Replacement parts for all products and appliances, regardless of the State of Design; and
 - (2) Modification parts for all products and appliances, regardless of the State of Design.

See Summary Table 1, at the end of this Section, for listing of the classes and categories of U.S. appliances, parts and associated approvals eligible for import into Brazil.

2.1.2 U.S. Acceptance of ANAC Export Certificates of Airworthiness for the Following Products:

- (a) new and used airplanes;
- (b) new and used Eurocopter rotorcraft models AS 350 and AS 355; and
- (c) used rotorcraft for which the United States is the State of Design.

See Summary Table 2, at the end of this Section, for listing of the classes and categories of Brazilian products and associated approvals eligible for import into the United States.

2.1.3 U.S. Acceptance of ANAC Authorized Release Certificates for the Following Appliances and Parts:

- (a) new Ordem Técnica Padrão (OTP)/TSO appliances; and
- (b) new parts that are eligible for installation in an airplane or appliance, which have been granted an FAA design approval. These include:
 - (1) Replacement parts for airplanes and appliances for which Brazil is the State of Design and that conform to FAA-approved data; and
 - (2) Modification parts that conform to FAA-approved design data and are eligible for installation in an aircraft or appliance, which has been granted an FAA design approval for the following:
 - (i) Airplanes and appliances for which Brazil is the State of Design for both the airplane/appliance and the design change; and
 - (ii) Aircraft and appliances, regardless of the State of Design, for which the United States is the State of Design for the design change. These parts must be produced by an ANAC production approval holder that has an arrangement with a U.S. design approval holder for the manufacturing rights, and as specified in paragraph 3.1.3 of these Implementation Procedures.
- (c) new replacement parts for the Eurocopter rotorcraft specified in 2.1.2.b for which France is the State of Design and that conform to FAA-approved design data.

See Summary Table 2, and the end of this Section, for a listing of the classes and categories of Brazilian appliances, parts, and associated approvals eligible for import into the United States.

2.1.4 Acceptance of Standard Parts.

- (a) ANAC Acceptance of Standard Parts. The ANAC shall accept Standard Parts for all products, parts, and appliances covered under these Implementation Procedures when they conform to established U.S. industry or U.S. government specifications, or when they conform to a FAA parts TSO (e.g., TSO C148, C149, or C150).
- (b) FAA Acceptance of Standard Parts. The FAA shall accept Standard Parts for all products, parts, and appliances covered under these Implementation Procedures when they conform to established Brazilian specifications.

2.1.5 Airworthiness Certification. These Implementation Procedures for design approval apply to such aircraft type designs to be type certificated by the FAA and ANAC for standard category airworthiness certification. Standard airworthiness certificates are issued in the normal, utility, acrobatic, commuter, and transport categories of aircraft, as well as for manned-free balloons and special classes of aircraft which include airships, very light aircraft (VLA), gliders, and other non-conventional aircraft. Aircraft for which a special airworthiness certificate is to be issued will be dealt with on a case-by-case basis through the special arrangements provision in Section V of this document.

2.2 Acceptance of Used Aircraft Manufactured Outside the Country of the Exporting Authority. These Implementation Procedures also apply to:

- (a) U.S. acceptance of ANAC Export Certificates of Airworthiness for used airplanes and certain used rotorcraft (see 2.1.2), for which the United States or a third country is the State of Design, that are subsequently exported from Brazil to the United States, and
- (b) Brazilian acceptance of FAA Export Certificate of Airworthiness for used aircraft, for which Brazil or a third country is the State of Design, that are subsequently exported from the United States to Brazil.

These provisions shall only apply for aircraft of a third country when bilateral agreements/arrangements for this purpose have been formalized between any third countries and both the FAA and ANAC, covering the same class of products.

2.3 Provisions for Design Change Approvals.

2.3.0 Brazilian Acceptance of the Following FAA-approved Design Changes:

- (a) Amended type certificates for products for which the United States is the State of Design;
- (b) Supplemental type certificates for all products, regardless of the State of Design;

- (c) Other FAA-approved design changes (as identified in Section III, paragraph 3.3.1.0) for products, parts, and appliances for which the United States is the State of Design; and
- (d) FAA-approved design data used in support of repairs (as identified in Section III, paragraph 3.3.2) for products, parts, and appliances for which the United States is the State of Design.

2.3.1 U.S. Acceptance of the Following ANAC-approved Design Changes:

- (a) Amended type certificates for airplanes for which Brazil is the State of Design;
- (b) Supplemental type certificates for airplanes for which Brazil is the State of Design;
- (c) Other ANAC-approved design changes (as identified in Section III, paragraph 3.3.1.1) for airplanes, parts, and appliances for which Brazil is the State of Design; and
- (d) ANAC-approved design data used in support of repairs (as identified in Section III, paragraph 3.3.2) for airplanes, parts, and appliances for which Brazil is the State of Design.

2.4 Provisions for Environmental Testing and Approvals.

2.4.0 Brazilian Acceptance of FAA Findings for the Environmental Requirements:

- (a) noise certification requirements for subsonic transport category large airplanes and subsonic turbojet powered airplanes;
- (b) noise certification requirements for propeller-driven small airplanes and propeller-driven commuter category airplanes;
- (c) noise certification requirements for helicopters; and
- (d) fuel venting and exhaust emissions certification requirements for turbine powered airplanes.

2.4.1 U.S. Acceptance of ANAC Findings for the Following Environmental Requirements:

[Reserved.]

- 2.5 Provisions for Technical Assistance. The scope of all technical assistance activities between the FAA and ANAC are specified in Section IV.
- 2.6 Provisions for Special Arrangements. These Implementation Procedures provide for designated officials within the FAA and ANAC to make special arrangements -- with respect to design approval, production activities, export airworthiness approval, post design approval, or technical assistance -- in unique situations which have not been specifically addressed in these Implementation Procedures, but which are anticipated by the BASA. All special arrangements between the authorities are listed in Appendix D.
- 2.7 Summary Tables. The following tables summarize the new products designed and manufactured in the United States or Brazil that are eligible for import under these Implementation Procedures. (These tables do not show third countries' products eligible for import.)

Table 1

Summary of U.S. (State of Design) Products, Appliances, and Parts and Associated FAA Approvals Eligible for Import into Brazil.

Products, Appliances, & Parts	Type Certificate, and Amendments	Supplemental Type Certificate	Technical Standard Order Authorization	Parts Manufacturer Approval
Airplanes in the following categories:				
Normal	√	√	Not Applicable	Not Applicable
Utility	√	√	N/A	N/A
Acrobatic	√	√	N/A	N/A
Commuter	√	√	N/A	N/A
Transport	√	√	N/A	N/A
Rotorcraft in the following categories:				
Normal	√	√	N/A	N/A
Transport	√	√	N/A	N/A
Manned Free Balloons	√	√	N/A	N/A
Engines	√	√	N/A	N/A
Propellers	√	√	N/A	N/A
Aircraft in Special Classes:				
Airships	√	√	N/A	N/A
VLA	√	√	N/A	N/A
Gliders	√	√	N/A	N/A
Powered Lift	√	√	N/A	N/A
Appliances	N/A	N/A	√	N/A
Replacement and Modification Parts for the above airplanes, rotorcraft, balloons, engines, propellers, special class aircraft, and articles / appliances	√ Note: Produced under production approval.	√ Note: Produced under production approval.	√	√

Note: Aircraft certified in the primary, provisional, and restricted categories will be dealt with on a case-by-case basis through the special arrangement provision in Section V.

Note: This table does not show third countries' aircraft eligible for import into Brazil. See paragraph 2.2.

Table 2

Summary of Brazilian (State of Design) Products, Appliances, and Parts and Associated ANAC Approvals Eligible for Import into the United States.

Products, Parts, & Appliances	Type Certificate, and Amendments (CHT)	Supplemental Type Certificate (CHST)	Attestation of Approved Aeronautical Product/ Technical Standard Order Authorization (APAA/OTP)	Attestation of Approved Aeronautical Product/Parts Manufacturer Approval (APAA/PAA)
Airplanes in the following categories:				
Normal	√	√	Not Applicable	Not Applicable
Utility	√	√	N/A	N/A
Acrobatic	√	√	N/A	N/A
Commuter	√	√	N/A	N/A
Transport	√	√	N/A	N/A
Rotorcraft in the following categories:				
Normal	N/A*	N/A	N/A	N/A
Transport	N/A	N/A	N/A	N/A
Manned Free Balloons	√	√	N/A	N/A
Engines	N/A	N/A	N/A	N/A
Propellers	N/A	N/A	N/A	N/A
Aircraft in Special Classes:				
Airships	√	√	N/A	N/A
VLA	√	√	N/A	N/A
Gliders	√	√	N/A	N/A
Powered Lift	N/A	N/A	N/A	N/A
Appliances	N/A	N/A	√	N/A
Replacement and Modification Parts for the above airplanes, rotorcraft, balloons, engines, propellers, special class aircraft, and articles / appliances	√ Note: Produced under production approval.	√ Note: Produced under production approval.	√	√

Note: Aircraft certified in the primary, provisional, and restricted categories will be dealt with on a case-by-case basis through the special arrangement provision in Section V.

Note: CHT - Certificado de Homologação de Tipo; CHST - Certificado de Homologação Suplementar de Tipo, APAA - Atestado de Produto Aeronáutico Aprovado, and OTP – Ordem Técnica Padrão.

Note: This table does not show third countries' aircraft eligible for import into the United States. See paragraph 2.2.

* Does not apply to Helibras because Brazil is not the State of Design.

SECTION III ESTABLISHED WORKING PROCEDURES

3.0 DESIGN APPROVAL PROCEDURES

3.0.0 General.

- (a) The FAA and ANAC, as importing authorities, will normally conduct certification activities using a validation process on the product in order to make a finding of compliance and issue its design approval. The validation process is initiated by an application and normally entails a familiarization briefing by the applicant, the establishment of the certification basis by the importing authority, a technical information exchange in the form of data, specialist meetings on technical compliance and/or the development of issue papers, establishment of the scope of delegation to the exporting authority, compliance determinations, and finally, the issuance of the design approval. The design approval issued by the importing authority is based to the maximum extent practicable on the technical evaluations, tests, inspections, and compliance determinations made by the exporting authority.

- (b) The expectation is that, with only a few exceptions, the determinations of compliance with the importing authority's requirements would be made by the exporting authority, as delegated by the importing authority. The importing authority is able to make findings of compliance, without further showing, based upon statements of compliance by the exporting authority. Since the exporting authority must understand the importing authority's position on all the items for which the exporting authority will be making determinations of compliance, both authorities shall ensure that they communicate adequately on these items. Both authorities will meet to discuss certification/validation issues before meeting together with the applicant. Also, the importing authority will seek the exporting authority's opinions before significant issues are resolved and, accordingly, may postpone a meeting with the applicant to discuss and resolve technical issues until the exporting authority is adequately represented. Working in accordance with the principle that communications should occur authority-to-authority, correspondence will be answered through and coordinated with the exporting authority.

- (c) Close cooperation between the importing and the exporting authorities is necessary to provide for effective management of the validation process and for the most cost effective utilization of resources.

- (d) The FAA does not normally issue a design approval for a product manufactured outside the United States, except for an aircraft to be U.S.-registered or an engine, propeller, appliance, or part to be incorporated into the design of a U.S.-registered aircraft or U.S.-manufactured product. Therefore, Brazilian applicants for U.S. design approval should provide the FAA with evidence that the product, part, or appliance will be imported into the United States, or will be installed on a U.S.-registered or U.S.-manufactured product.

3.0.1 Design Approval Procedures for U.S. Type Certificates.

3.0.1.0 Application for U.S. Type Certification.

- (a) An application for U.S. Type Certificate (TC), in accordance with 14 CFR § 21.15, from an applicant in Brazil should be sent to the ANAC Aeronautical Products Certification Branch. Applications may be submitted for airplanes with a Brazilian Type Certificate, or for airplanes where applications for type certification has been made to the ANAC. The ANAC should ensure the application has the following information:

- (1) The ANAC Type Certificate and TC Data Sheet, if available, a definition of the national airworthiness and environmental standards upon which the ANAC design approval was (or is to be) based, and the amendment level of the U.S. airworthiness and environmental standards the ANAC believes to be satisfied by its own standards; and

- (2) A planning date for FAA type certification.

- (b) Also, the application should contain the following, if known at the time of application:

- (1) A description of all novel or unusual design features known to the applicant or ANAC at the time of application which might necessitate issuance of FAA special conditions under 14 CFR § 21.16, or which might require a special review of acceptable means of compliance;

- (2) All known or expected exemptions or equivalent level of safety findings relative to the ANAC's national standards for design approval that might affect compliance with the applicable U.S. airworthiness and environmental standards; and

- (3) Available information on U.S. market potential, including specific customers and U.S. content of the product, if known.

- (c) The ANAC should forward the application to the appropriate FAA Aircraft Certification Service Directorate, based on the class and category of product. Appendix A contains a list of addresses for the FAA Aircraft Certification Service Directorates.

- (d) If the application is for an airplane which is of a level of complexity that has not been previously certificated by the ANAC, the ANAC should notify the FAA. This notification should be made as soon as the ANAC becomes aware of this type of pending application, so that the FAA may plan the scope of its validation program.

3.0.1.1 Familiarization Meeting.

- (a) The ANAC will arrange a familiarization meeting between the FAA, ANAC, and the applicant to discuss the validation process, the approved or proposed domestic (Brazilian) certification basis, and all novel or unusual features of the product.
- (b) At this meeting the FAA will work to establish the U.S. type certification basis and the means of compliance for the airplane under application by determining the U.S. airworthiness and environmental standards that would be applied to a similar airplane if it were to be produced in the United States. The extent to which these activities are accomplished at the meeting will depend on the FAA's familiarity with the airplane and applicant, the applicant's familiarity with the FAA's process and, in general, the overall preparedness of all parties.
- (c) For simple projects or less complex airplanes, technical familiarization may be streamlined if agreed by both FAA and ANAC.

3.0.1.2 Establishment of Project Certification Team. An important consideration that should be addressed at the familiarization meeting is the composition of the Project Certification Team. The composition of the team should include specialist representation to cover the technology level of the certification project. The FAA and ANAC will mutually agree on a plan to ensure adequate compliance finding capability. The FAA will notify the ANAC of its Project Manager.

3.0.1.3 Establishment of U.S. Type Certification Basis.

- (a) New type certificates. The FAA will develop the certification basis using:
 - (1) For type designs that do not hold an approval from the ANAC, the applicable airworthiness standards in effect on the date the application is made to the FAA; or
 - (2) For type designs that hold an approval from the ANAC, the applicable airworthiness standards in effect on the date the application was made to the ANAC for a domestic TC.

(b) Additional requirements.

- (1) In general, the FAA may require the applicant to comply with additional technical conditions in the interest of safety. These requirements may include actions deemed necessary for continued safe operation in the United States as a result of service history and actions taken by the ANAC to correct unsafe conditions.
- (2) The FAA will review all novel and unusual design features for development of special conditions. The FAA will work closely with the ANAC in the development of special conditions and exemptions providing the ANAC and the applicant an opportunity to comment on the proposal.

- (c) Environmental (Type) Certification Basis. The regulatory basis for compliance with 14 CFR Part 34 is the effective amendment on the date of FAA certification. For 14 CFR Part 36, the regulatory basis for compliance is the effective amendment level on the date of application for the FAA type certificate or change to the type certificate. An applicant for a TC or Supplemental Type Certificate (STC) must show that the airplane meets the applicable airworthiness standards, special conditions, fuel venting and exhaust emission standards of 14 CFR Part 34 and the noise standards of 14 CFR Part 36.

3.0.1.4 Compliance to U.S. Certification Basis. The ANAC should review the FAA's proposed U.S. type certification basis and notify the FAA Project Manager of the proposed compliance option. The FAA may accept either a statement of compliance to the U.S. Type Certification Basis, or the ANAC Type Certification Basis plus all FAA Additional Technical Conditions.

- (a) If the findings of compliance are to the applicable U.S. standards, the FAA will not need to develop Additional Technical Conditions.
- (b) If the findings of compliance are to the ANAC standards, the FAA will start the process of developing Additional Technical Conditions to cover FAA additional requirements. The FAA will coordinate with the ANAC in the development of Additional Technical Conditions to allow (1) the FAA to benefit from the technical expertise of the ANAC and, (2) the ANAC to better understand how to make a determination of compliance when requested by the FAA.

3.0.1.5 Data Submittal & Design Review. In order to find compliance with additional technical conditions, special conditions, or equivalent levels of safety, the FAA may make written requests for data to the ANAC. The ANAC, in responding to such requests, should verify that the data provided has been reviewed and, if required, approved by the ANAC. Compliance documentation (e.g., certification test plans and reports, flight test plans and reports, system safety assessments, data substantiation reports) should be complete and detailed enough for the authorities to determine whether compliance has been made to the regulations.

3.0.1.6 Technical Meetings.

- (a) In addition to the initial familiarization meeting, other technical meetings may be necessary to assure that any additional technical conditions that have been communicated to the ANAC are well understood, and that any outstanding technical issues are resolved. These meetings should be held as early as possible in the certification process in order to permit timely design changes. All technical meetings will normally be arranged through the ANAC and will normally have both authorities' representatives in attendance.
- (b) Early in the program, based on the known design and information presented in the familiarization and technical meetings, the FAA will identify the areas in which further FAA activity will be required (e.g., required data, reports, tests and test witnessing, areas of concern or special emphasis). The anticipated level of activity by the FAA will be documented in writing. This written arrangement may be revised if the initial design definition is incomplete or subsequent design changes are made.
- (c) The ANAC will keep the FAA informed of the progress of its domestic type certification program on a periodic basis. The ANAC should notify the FAA Project Manager as soon as possible of all additional novel or unusual design features, and all other design features that might cause or have caused the ANAC to develop a special condition or to make an equivalent level of safety finding.

3.0.1.7 Issue Papers.

- (a) The FAA will prepare issue papers that identify the certification basis and other items such as unique import requirements, acceptable means of compliance, equivalent levels of safety findings, and special conditions. However, when the FAA's and ANAC's positions are equivalent, the ANAC's "Ficha de Controle de Assuntos Relevantes" (FCARs) may be used directly by the FAA in lieu of an FAA issue paper. Nevertheless, the FAA must still process its own issue papers that address equivalent levels of safety or special conditions.
- (b) The FAA will coordinate all issue papers and changes to issue papers with the ANAC. Such coordination will expedite the timely and mutually acceptable resolution of certification issues.

3.0.1.8 Environmental Testing and Approval Procedures.

- (a) The FAA is authorized to make findings of compliance to 14 CFR Parts 34 and 36 based upon FAA-witnessed tests, conducted in accordance with FAA-approved test plans, and based upon FAA review and approval of all data and compliance demonstration reports submitted via the ANAC.

- (b) Environmental Testing and Approval Process. The FAA process for environmental testing and approvals includes the following:
- (1) Environmental (noise, fuel venting, and exhaust emissions) certification compliance demonstration plans must be submitted to the FAA for review, comment, and subsequent approval prior to undertaking certification testing.
 - (2) Information and data must be supplied to the FAA in order to conduct a finding in accordance with the Noise Control Act of 1972 (P.L. 92-574). The FAA, before issuing an original type certificate for an airplane of any category, must assess the extent of noise abatement technology incorporated into the type design and determine whether additional noise reduction is achievable. This examination must be initiated as soon as possible after the application for type certification in each original type certification project and reflect noise reduction potentials that become evident during the design and certification process.
 - (3) Information and data must be supplied to the FAA in order to conduct an evaluation and audit of the measurement and analysis methods and practices, and data correction procedures of the applicant for aircraft noise certification under 14 CFR Part 36, Subpart B and/or Subpart H.
 - (4) Compliance demonstration aircraft noise test plans and engine exhaust emissions test plans to be used for demonstrating U.S. environmental certification compliance must be submitted to the FAA for review and comment, and subsequent approval not less than 90 days prior to commencing testing.
 - (5) Proposed equivalent procedures to be used by the applicant during testing, data processing, data reduction, and data analysis must be specifically identified to the FAA and approved in advance by the FAA as part of items (1) and (4).
 - (6) FAA personnel, or FAA designated engineering representatives when specifically delegated to act on behalf of the FAA, must witness compliance demonstration tests. Prior to the start of testing, it is necessary to assure the conformity of the test article (airplane or engine configuration) to that identified in the FAA approved compliance demonstration test plans.
 - (7) Compliance demonstration reports must be submitted to the FAA for review and comment and subsequent approval prior to type certification approval.

3.0.1.9 Final Certification Meeting/Issuance of the Type Certificate. Upon issuance of its domestic TC and demonstrated compliance with the U.S. Type Certification Basis, the ANAC shall forward a certifying statement to the FAA, in accordance with 14 CFR § 21.29, along with all additional requested materials. The FAA, upon receipt and review of the documents, will prepare the TC and TC Data Sheet and forward them to the ANAC for transmittal to the applicant. A final meeting would only be necessary if there are areas of further discussion or if the sharing of information would be beneficial.

3.0.1.10 Evaluation of Operational and Maintenance Aspects. The FAA has established Aircraft Evaluation Groups (AEG), located at the product-accountable Directorates. The AEGs are responsible for the operational and maintenance aspects of the type certification process. The AEG will conduct Boards, as appropriate, to review the following items on Brazilian products prior to their entry into U.S. operations: Maintenance Review Board (MRB) Report and associated Instructions for Continued Airworthiness documentation; Operational configuration; Pilot training and licensing requirements; and the formulation and approval of a Master Minimum Equipment List (MMEL). The AEG will be invited to participate in the familiarization meeting by the FAA Project Manager, and will generate issue papers as appropriate to the type design. Compliance with AEG requirements is not required at the time of the issuance of the U.S. Type Certificate, but to avoid operational suitability problems, applicants are encouraged to complete AEG requirements early in the project.

3.0.2 Design Approval Procedures for Brazilian Type Certificates.

3.0.2.0 Application for Brazilian Type Certification.

(a) An application for Brazilian Type Certificate (CHT), in accordance with RBHA 21, Section 21.15, from an applicant in the United States should be sent to the FAA Aircraft Certification Office responsible for the applicant's geographic area. Applications may be submitted for products with a U.S. Type Certificate, or for products where applications for type certification has been made to the FAA. The FAA should ensure the application has the following information:

(1) The FAA Type Certificate and TC Data Sheet, if available, a definition of the national airworthiness and environmental standards upon which the FAA design approval was (or is to be) based, and the amendment level of the Brazilian airworthiness and environmental standards the FAA believes to be satisfied by its own standards; and

(2) A planning date for ANAC type certification.

- (b) Also, the application should contain the following, if known at the time of application:
- (1) A description of all novel or unusual design features known to the applicant or the FAA at the time of application which might necessitate issuance of ANAC special conditions under RBHA 21, Section 21.16, or which might require a special review of acceptable means of compliance; and
 - (2) All known or expected exemptions or equivalent level of safety findings relative to the FAA's national standards for design approval that might affect compliance with the applicable Brazilian airworthiness and environmental standards.
- (c) The FAA should forward the application to the appropriate ANAC Branch of Aeronautical Products Certification, based on the class and category of product. Appendix B contains the address for the ANAC Branch of Aeronautical Products Certification.
- (d) If the application is for a product that is of a level of complexity that has not been previously certificated by the FAA, the FAA should notify the ANAC. This notification should be made as soon as the FAA becomes aware of this type of pending application, so that the ANAC may plan the scope of its validation program.

3.0.2.1 Familiarization Meeting.

- (a) The FAA will arrange a familiarization meeting between the ANAC, the FAA, and the applicant to discuss the validation process, the approved or proposed domestic (U.S.) certification basis, and all novel or unusual features of the product.
- (b) At this meeting the ANAC will work to establish the Brazilian type certification basis and the means of compliance for the product under application by determining the Brazilian airworthiness and environmental standards that would be applied to a similar product if it were to be produced in Brazil. The extent to which these activities are accomplished at the meeting will depend on the ANAC's familiarity with the product and applicant, the applicant's familiarity with the ANAC's process and, in general, the overall preparedness of all parties.
- (c) For simple projects or less complex products, technical familiarization may be streamlined if agreed by both ANAC and FAA.

3.0.2.2 Establishment of Project Certification Team. An important consideration that should be addressed at the familiarization meeting is the composition of the Project Certification Team. The composition of the team should include specialist representation to cover the technology level of the certification project. The ANAC and FAA will mutually agree on a plan to ensure adequate compliance finding capability. The ANAC will notify the FAA of its Project Manager.

3.0.2.3 Establishment of Brazilian Type Certification Basis.

(a) New type certificates. The ANAC will develop the certification basis using:

- (1) For type designs that do not hold an approval from the FAA, the applicable airworthiness standards in effect on the date the application is made to the ANAC; or
- (2) For type designs that hold an approval from the FAA, the applicable airworthiness standards in effect on the date the application was made to the FAA for a domestic TC.

(b) Additional requirements.

- (1) In general, the ANAC may require the applicant to comply with additional technical conditions in the interest of safety. These requirements may include actions deemed necessary for continued safe operation in Brazil as a result of service history and actions taken by the FAA to correct unsafe conditions.
- (2) The ANAC will review all novel and unusual design features for development of special conditions. The ANAC will work closely with the FAA in the development of special conditions and exemptions providing the FAA and the applicant an opportunity to comment on the proposal.

(c) Environmental (Type) Certification Basis. The regulatory basis for compliance with RBHA 34 and 36 is the effective amendment on the date of ANAC certification. An applicant for a Type Certificate (CHT) or Supplemental Type Certificate (CHST) must show that the aircraft meets the applicable airworthiness standards, special conditions, fuel venting and exhaust emission standards of RBHA 34 and the noise standards of RBHA 36.

3.0.2.4 Compliance to Brazilian Certification Basis. The FAA should review the ANAC's proposed Brazilian type certification basis and notify the ANAC Project Manager of the proposed compliance option. The ANAC may accept either a statement of compliance to the Brazilian Type Certification Basis, or the FAA Type Certification Basis plus all ANAC Additional Technical Conditions.

- (a) If the findings of compliance are to the applicable Brazilian standards, ANAC will not need to develop Additional Technical Conditions.
- (b) If the findings of compliance are to the U.S. standards, the ANAC will start the process of developing Additional Technical Conditions to cover ANAC additional requirements. The ANAC will coordinate with the FAA in the development of Additional Technical Conditions to allow (1) the ANAC to benefit from the technical expertise of the FAA and, (2) the FAA to better understand how to make a determination of compliance when requested by the ANAC.

3.0.2.5 Data Submittal & Design Review. In order to find compliance with additional technical conditions, special conditions, or equivalent levels of safety, the ANAC may make written requests for data to the FAA. The FAA, in responding to such requests, should verify that the data provided has been reviewed and, if required, approved by the FAA. Compliance documentation (e.g., certification test plans and reports, flight test plans and reports, system safety assessments, data substantiation reports) should be complete and detailed enough for the authorities to determine whether compliance has been made to the regulations.

3.0.2.6 Technical Meetings.

- (a) In addition to the initial familiarization meeting, other technical meetings may be necessary to assure that any additional technical conditions that have been communicated to the FAA are well understood, and that any outstanding technical issues are resolved. These meetings should be held as early as possible in the certification process in order to avoid last minute design changes. All technical meetings will normally be arranged through the FAA and will normally have both authorities' representatives in attendance.
- (b) Early in the program, based on the known design and information presented in the familiarization and technical meetings, the ANAC will identify the areas in which further ANAC activity will be required (e.g., required data, reports, tests and test witnessing, areas of concern or special emphasis). The anticipated level of activity by the ANAC will be documented in writing. This written arrangement may be revised if the initial design definition is incomplete or subsequent design changes are made.
- (c) The FAA will keep the ANAC informed of the progress of its domestic type certification program on a periodic basis. The FAA should notify the ANAC Project Manager as soon as possible of all additional novel or unusual design features, and all other design features that might cause or have caused the FAA to develop a special condition or to make an equivalent level of safety finding.

3.0.2.7 FCARs (Issue Papers).

- (a) The ANAC will prepare FCARs that identify the certification basis and other items such as unique import requirements, acceptable means of compliance, equivalent levels of safety findings, and special conditions. However, when the ANAC's and FAA's positions are equivalent, the FAA's issue papers may be used directly by the ANAC in lieu of an ANAC FCAR.
- (b) The ANAC will coordinate all FCARs and changes to FCARs with the FAA. Such coordination will expedite the timely and mutually acceptable resolution of certification issues.

3.0.2.8 Environmental Testing and Approval Procedures. The ANAC will accept the findings of compliance to RBHA 34 and 36 based upon FAA witnessed tests, conducted in accordance with FAA-approved test plans, and based upon ANAC review and approval of all data and compliance demonstration reports submitted via the FAA.

3.0.2.9 Final Certification Meeting/Issuance of the Type Certificate. Upon issuance of its domestic TC and demonstrated compliance with the Brazilian Type Certification Basis, the FAA shall forward a certifying statement to the ANAC, in accordance with RBHA 21, Section 21.29, along with all additional requested materials. The ANAC, upon receipt and review of the documents, will prepare the TC (CHT) and TC Data Sheet (EA) and forward them to the FAA for transmittal to the applicant. A final meeting would only be necessary if there are areas of further discussion or if the sharing of information would be beneficial.

3.0.2.10 Evaluation of Operational and Maintenance Aspects. The ANAC Aircraft Evaluation Standards Branch is responsible for the operational and maintenance aspects of the type certification process. The ANAC Aeronautical Products Certification Branch will arrange with ANAC Aircraft Evaluation Standards Branch all related information on applicable regulations and procedures.

3.0.3 Design Approval Procedures for U.S. Supplemental Type Certificates.

- (a) U.S. Supplemental Type Certificates (STCs) may be issued under the provisions of 14 CFR § 21.117 for approval of major changes to the type design of an airplane which has been validated by the FAA, when the ANAC is the authority of the State of Design for both the airplane and the design change, and the ANAC has issued the CHST.
- (b) Brazilian applicants shall submit an STC application to the ANAC Aeronautical Product Certification Branch with a request that the application and required information be forwarded to the FAA Office responsible for the original FAA validation of the Brazilian airplane. Appendix A contains a list of addresses for the FAA Offices.

- (c) Each application should contain the following information:
- (1) A description of the change, together with the make and model of the airplane;
 - (2) A copy of the ANAC CHST and certification basis;
 - (3) A planning date for FAA issuance of the STC;
 - (4) A description of all novel or unusual design features which might necessitate issuance of FAA special conditions; and
 - (5) All exemptions or equivalent level of safety findings granted by the ANAC for the Brazilian CHST.
- (d) The basic design approval procedures for U.S. Type Certification (paragraph 3.0.1 above) should be used for STCs, but both authorities may agree to streamline these procedures based on the magnitude and complexity of the design change.

3.0.4 Design Approval Procedures for Brazilian Supplemental Type Certificates.

- (a) CHSTs may be issued under the provisions of RBHA 21.117 for approval of major changes to the type design of an aircraft, aircraft engine, or propeller which has been type validated by the ANAC, when the FAA is the authority of the State of Design for the design change, and the FAA has issued the STC.
- (b) U.S. applicants shall submit CHST applications to the FAA Aircraft Certification Office responsible for the applicant's geographic area, with a request that the application and required information be forwarded to the ANAC Aeronautical Products Certification Branch. Appendix B contains the addresses for the ANAC Aeronautical Products Certification Branch.
- (c) Each application should contain the following information:
- (1) A description of the change, together with the make and model of the product;
 - (2) A copy of the FAA STC and certification basis;
 - (3) A planning date for ANAC issuance of the CHST;
 - (4) A description of all novel or unusual design features which might necessitate issuance of ANAC special conditions; and
 - (5) All exemptions or equivalent level of safety findings granted by the FAA for the U.S. STC.

- (d) The basic design approval procedures for Brazilian Type Certification (paragraph 3.0.2 above) should be used for CHSTs, but both authorities may agree to streamline these procedures based on the magnitude and complexity of the design change.

3.0.5 Design Approval Procedures for FAA Letters of Technical Standard Order (TSO) Design Approval.

3.0.5.0 Application. The FAA only issues a Letter of TSO Design Approval for imported appliances of a kind for which a minimum performance standard has been published in an FAA Technical Standard Order (TSO). All Brazilian applicants for an FAA letter of TSO design approval shall make application through ANAC Aeronautical Products Certification Branch with a request that the application and required information be forwarded to the FAA Atlanta Aircraft Certification Office, at the address indicated in Appendix A. The ANAC should contact the FAA for the latest FAA technical policy and procedures related to the TSO performance standard.

3.0.5.1 Issuance of a Letter of TSO Design Approval. The appropriate form of TSO design approval, within the scope of these Implementation Procedures, may be issued to the applicant by the FAA after:

- (a) Receipt of all the required data/documentation pertaining to the proper installation, performance, operation, and maintenance of the TSO appliance;
- (b) Receipt of other specific technical data, as jointly agreed between the ANAC and the FAA, needed to demonstrate compliance with a TSO standard (e.g., a first-of-a-kind TSO);
- (c) Receipt and approval of all proposed deviations; and
- (d) Receipt of a certifying statement from the applicant through the ANAC, with certification by the ANAC that the performance of the appliance complies with the applicable FAA TSO or other accepted standards of the FAA that provide an equivalent level of safety.

3.0.5.2 Installation Approval. An FAA Letter of TSO Design Approval does not constitute an installation approval for the TSO appliance on an aircraft. The installer must obtain installation approval from their civil airworthiness authority for use on an aircraft registered under that authority.

3.0.6 Design Approval Procedures for ANAC Design Approval Letter (DAL).

3.0.6.0 Application. The ANAC Design Approval for imported TSO appliances is characterized by the issuance of a Design Approval Letter (DAL) according to the RBHA 21.617 for the design approval. An U.S. applicant for an ANAC Design Approval Letter, holder of a FAA TSO approval, shall make application through the FAA Aircraft Certification Office responsible for the applicant's geographic area, with a request that the application and required information (see 3.0.6.1 below) be forwarded to the ANAC Aeronautical Products Certification Branch, at the appropriate address indicated in Appendix B. The ANAC technical policy and procedures related to the TSO acceptance through the DAL issuance are listed in the ANAC CI 21-010 - *ANAC Procedures for Approval of Imported Civil Aeronautical Products*, or in the FAA AC 21-2, *Export Airworthiness Approval Procedures (Appendix 2 - Brazilian Requirements)*.

3.0.6.1 Issuance of a DAL for an FAA-approved TSO Appliance. The DAL, within the Scope of these Implementation Procedures, may be issued to the applicant by the ANAC after:

- (a) Receipt of all the required data/documentation pertaining to the proper installation, performance, operation, and maintenance of the TSO appliance;
- (b) Receipt of other specific technical data, as jointly agreed between the ANAC and the FAA, needed to demonstrate compliance with a TSO standard (e.g., a first-of-a-kind TSO);
- (c) Receipt and approval of all proposed deviations; and
- (d) Receipt of a certifying statement from the applicant through the FAA, with certification by the FAA that the performance of the appliance complies with the applicable TSO or other accepted standards of the ANAC that provide an equivalent level of safety.

3.0.6.2 Installation Approval. A ANAC Design Approval Letter does not constitute an installation approval for the TSO appliance on an aircraft. The installer must obtain installation approval from their civil airworthiness authority for use on an aircraft registered under that authority.

3.0.7 Joint Design Approval Procedures. The FAA and ANAC may undertake concurrent type certification/validation and other design approval projects with respect to products covered by the Scope of these Implementation Procedures when it is in the interest of both authorities and their aviation industries. The procedures for such projects will be mutually agreed upon by the FAA and ANAC.

3.1 PRODUCTION AND SURVEILLANCE ACTIVITIES

3.1.0 Production Quality System. All products, appliances, and parts exported under the provisions of these Implementation Procedures shall be produced in accordance with a production quality system, which assures conformity to the approved design of the importing authority and ensures that completed products are in a condition for safe operation. This production quality system covers the fabrication of products, appliances, and parts within and outside of the country of export. When these fabrication and/or production activities occur outside of the county of export, the associated products or parts shall be considered as being manufactured in the exporting country.

3.1.1 Surveillance of Production Approval Holders.

3.1.1.0 The FAA and ANAC, as exporting authorities, shall conduct regulatory surveillance of production approval holders and their suppliers in accordance with the exporting authority's specific policies, practices, and/or procedures. Both ongoing and scheduled evaluations should be conducted to verify that the production approval holder is in continual compliance with their approved production quality system, manufacturing products, appliances, and parts which fully conform to the approved design, and are in a condition for safe operation. The correction of all deficiencies should be verified by the exporting authority.

3.1.1.1 Production surveillance includes the surveillance of manufacturers and their suppliers who may be fabricating prototype or pre-production parts for products which are still undergoing type certification. These parts must be produced by the manufacturer, or its approved supplier, with the concurrence of the exporting authority, using an existing approved production quality system for similar type certificated products. The approved production quality system must ensure the prototype or pre-produced parts are properly controlled so that a final determination of airworthiness can be undertaken prior to their export.

3.1.1.2 FAA production approval and supplier surveillance programs are described in FAA Order 8120.2, *Production Approval and Certificate Management Procedures*, Advisory Circular 21-20, *Supplier Surveillance Procedures*, and FAA Order 8100.7, *Aircraft Certification Systems Evaluation Program*.

3.1.1.3 ANAC production approval and supplier surveillance programs are described in the ANAC MPH-300, *Production Approval Procedures Manual*. There is also information concerning the application and certification process of products, parts, and appliances in Information Circular 21-005, 21-006, and 21-011.

3.1.2 Extensions of Production Approvals.

3.1.2.0 When a production approval has been granted or extended by the FAA or ANAC, as exporting authorities, to include manufacturing sites and facilities in each other's countries or in a third country, the exporting authority remains fully responsible for the surveillance and oversight of these manufacturing sites and facilities.

3.1.2.1 The FAA is responsible for surveillance and oversight of U.S. production approval holders located in Brazil. Routine surveillance and oversight may be performed by the ANAC on behalf of the FAA through the provisions of Section IV. The ANAC is responsible for surveillance and oversight of ANAC production approval holders located in the United States. Routine surveillance and oversight may be performed by the FAA on behalf of the ANAC through the provisions of Section IV.

3.1.2.2 The FAA or ANAC may seek assistance from the civil airworthiness authority of a third country in the undertaking of FAA or ANAC regulatory surveillance and oversight functions when a production approval has been granted or extended in that third country. This should be done only when an arrangement for technical assistance has been formalized between the FAA or ANAC and the civil airworthiness authority of the third country.

3.1.3 Production Approvals Based on a Licensing Agreement.

3.1.3.0 For products, either the FAA or ANAC can grant a production approval in their respective country based on design data obtained through a licensing agreement with a type design holder in the other country or in a third country (i.e., licensing the rights to use the design data). In this case, the authority granting that production approval shall ensure the establishment of adequate manufacturing processes and quality control procedures to assure that each product conforms to the approved licensed design data. There must also be procedures to ensure that all changes to be introduced into the design by the licensee are approved. These design changes shall be submitted to the type design holder who shall obtain approval from its authority using normal procedures. These production approvals based on a licensing agreement will be addressed on a case-by-case basis under the Special Arrangements provision of Section V.

3.1.3.1 For parts, either the FAA or ANAC can grant a production approval in their respective country based on design data obtained through a licensing agreement with a design approval holder in the other country (i.e., licensing the rights to use the design data). In this case, the authority granting that production approval shall ensure the establishment of adequate manufacturing processes and quality control procedures to assure that each part conforms to the approved licensed design data. There must also be procedures to ensure that all changes to be introduced into the design by the licensee are approved. These design changes shall be submitted to the

design approval holder who shall obtain approval from its authority using normal procedures.

3.1.4 Supplier Surveillance - Outside the Exporting Country.

3.1.4.0 The FAA and ANAC, as exporting authorities, shall include in their regulatory surveillance and oversight programs a means of surveilling production approval holders' suppliers who are located outside the exporting country. This surveillance and oversight shall be equivalent to that program for domestic suppliers. This surveillance activity will assist the FAA and ANAC in determining conformity to approved design and whether the parts are safe for installation on type certificated products.

3.1.4.1 The FAA is responsible for surveillance and oversight of U.S. production approval holders' suppliers located in Brazil. Routine surveillance and oversight may be performed by the ANAC on behalf of the FAA through the provisions of Section IV. The ANAC is responsible for surveillance and oversight of ANAC production approval holders' suppliers located in the United States. Routine surveillance and oversight may be performed by the FAA on behalf of the ANAC through the provisions of Section IV.

3.1.4.2 The FAA or ANAC may seek assistance from a third country civil airworthiness authority, at the supplier's location, in the undertaking of FAA or ANAC regulatory surveillance and oversight functions at suppliers to production approval holders of the exporting country. This should only be done when an arrangement for technical assistance has been formalized between the FAA or ANAC and the civil airworthiness authority of the third country.

3.1.4.3 The production approval holder may not use a supplier in a country where the authority of the production approval holder is denied unimpeded access, by either the supplier or the supplier's civil airworthiness authority, to the supplier's facility to perform surveillance activities. The production approval holder also may not use a supplier located in a country if that country denies entry to the authority of the production approval holder.

3.1.5 Multi-National Consortia.

3.1.5.0 Multi-national consortia may be issued approvals for the design and production of products, appliances and/or parts in either the United States or Brazil. These consortia clearly define one responsible design and production approval holder, for the purposes of regulatory accountability, located in the exporting country. There may be, however, suppliers to the approval holder(s) that are located both domestically and in other countries, which produce parts for use in the final product that is to be exported.

3.1.5.1 The FAA and ANAC, as exporting authorities, shall continue to conduct regulatory surveillance and oversight of the domestic design and production approval holder, and should emphasize surveillance and oversight of priority parts suppliers. The exporting authority shall use its regulatory

surveillance and oversight programs to best enable it to determine that consortia suppliers are producing parts that conform to the approved design and are in a condition for safe operation.

3.2 EXPORT AIRWORTHINESS APPROVAL PROCEDURES

3.2.0 General. Export Certificates of Airworthiness are issued by the FAA and ANAC, as exporting authorities, for completed aircraft, aircraft engines, and propellers. Authorized release certificates are issued by the FAA and ANAC for TSO appliances and parts.

3.2.1 FAA Acceptance of ANAC Export Certificates of Airworthiness and Authorized Release Certificates.

(a) The FAA's requirements and procedures for import are described in 14 CFR Part 21, FAA Order 8130.2, *Airworthiness Certification of Aircraft and Related Products*, and Advisory Circular 21-23, *Airworthiness Certification of Civil Aircraft, Engines, Propellers, and Related Products Imported to the United States*.

(b) The ANAC's process for issuing export certificates is described in the MPH-100, *Airworthiness Certification Procedures Manual*.

3.2.1.0 New Airplanes and Rotorcraft.

(a) Except as provided in paragraph 3.2.1.4, the FAA shall accept ANAC Export Certificates of Airworthiness on new airplanes and Eurocopter rotorcraft as identified in Section II, only when the ANAC certifies that each airplane and rotorcraft:

(1) Conforms to a type design approved by the FAA, as specified in the FAA's type certificate data sheet, and any additional supplemental type certificates approved by the FAA,

(2) Is in a condition for safe operation, including compliance with applicable FAA Airworthiness Directives, as notified, and

(3) Meets all additional requirements prescribed by the FAA, as notified.

(b) Each airplane and rotorcraft exported to the United States with ANAC airworthiness approval will have an ANAC Form FDH-100-12, *Export Certificate of Airworthiness*, issued in accordance with the requirements of the RBHA 21 Subpart L.

(c) The ANAC Form F-100-12 should contain the following statement: "The [INSERT AIRPLANE OR ROTORCRAFT MODEL] covered by this certificate conforms to the type design approved under U.S. Type Certificate Number [INSERT TYPE CERTIFICATE NUMBER AND TCDS REVISION LEVEL], and is found to be in a condition for safe operation," and/or any other "import requirements" text as specified in the U.S. Type Certificate Data Sheet.

- (d) For Eurocopter rotorcraft as identified in Section II, the ANAC Form FDH-100-12 should also contain the following statement in the additional information block: “This rotorcraft was assembled by Helibras in Brazil, based on a licensing agreement with Eurocopter in France.” As part of their process, the ANAC will verify, prior to export, that the kit used for assembly meets the FAA type design.

3.2.1.1 New TSO Appliances.

- (a) Each new appliance exported to the United States with ANAC airworthiness approval will have an ANAC Form SEGVÔO 003, *Authorized Release Certificate*. The FAA shall accept ANAC authorized release certificates on new TSO appliances, as identified in Section II, only when the ANAC certifies that each TSO appliance:
- (1) Conforms to the design approved by the FAA, as specified in the FAA Letter of TSO Design Approval;
 - (2) Complies with applicable FAA Airworthiness Directives, as notified;
 - (3) Is marked in accordance with paragraph 3.2.3.0(a) of these Implementation Procedures; and
 - (4) Meets all additional requirements prescribed by the FAA, as notified.

3.2.1.2 New Modification and/or Replacement Parts.

- (a) Each new part exported to the United States with ANAC airworthiness approval will have an ANAC Form SEGVÔO 003. The FAA shall accept these ANAC authorized release certificates on new modification and/or replacement parts for products and appliances identified in Section II. The ANAC shall certify, by the issuance of ANAC Form SEGVÔO 003, that each part:
- (1) Is eligible for installation in a product or appliance which has been granted an FAA design approval;
 - (2) Conforms to FAA-approved design data and is safe for installation;
 - (3) Is marked in accordance with paragraph 3.2.3.0(a) of these Implementation Procedures;
 - (4) Meets all additional requirements prescribed by the FAA, as notified; and
 - (5) For new Eurocopter replacement parts, the DAC Form SEGVÔO 003 will indicate in Block 13, Remarks, that the part was originally manufactured by Eurocopter France.

- (b) The FAA must be provided evidence of direct shipment authorizations extended to approved suppliers. If a part is shipped under direct ship authorization, the ANAC's authorized release certificate must indicate that the production approval holder has authorized direct shipment. This indication may be a supplemental "remark" entry on the authorized release certificate indicating the authorization to the supplier for direct shipment of parts from the supplier's location.

3.2.1.3 Used Aircraft for Which There Has Been a Design Approval Granted by the FAA.

- (a) The FAA shall accept Export Certificates of Airworthiness on used airplanes for which either the United States or Brazil is the State of Design, as identified in Section II, for import into the United States for airworthiness certification when the ANAC certifies that each used airplane:
 - (1) Conforms to the FAA-approved type design as specified in the FAA's type certificate data sheet, and any additional supplemental type certificates approved by the FAA, as notified;
 - (2) Is in a condition for safe operation, including compliance with all applicable Airworthiness Directives issued by the FAA, as notified;
 - (3) Has been properly maintained, altered, and operated using approved procedures and methods during its service life (evidenced by logbooks and maintenance records);
 - (4) Meets all additional requirements prescribed by the FAA, as notified; and
 - (5) The ANAC Export Certificate of Airworthiness includes the statement in paragraph 3.2.1.0(c).
- (b) The FAA shall also accept Export Certificates of Airworthiness on used Eurocopter rotorcraft for which France is the State of Design, as identified in Section II, for import into the United States for airworthiness certification when the ANAC certifies that each used rotorcraft:
 - (1) Conforms to the FAA-approved type design as specified in the FAA's type certificate data sheet, and any additional supplemental type certificates approved by the FAA, as notified;
 - (2) Is in a condition for safe operation, including compliance with all applicable Airworthiness Directives issued by the FAA, as notified;
 - (3) Has been properly maintained, altered, and operated using approved procedures and methods during its service life (evidenced by logbooks and maintenance records);

- (4) Meets all additional requirements prescribed by the FAA, as notified;
and
 - (5) The ANAC Export Certificate of Airworthiness includes the statements in paragraphs 3.2.1.0(c) and 3.2.1.0(d).
- (c) The FAA shall also accept the ANAC's Export Certificate of Airworthiness for used airplanes manufactured in a third country when that country has a bilateral agreement/arrangement with both the FAA and the ANAC covering the same class of product, and the conditions of paragraph 3.2.1.3(a)(1)-(5) have been met.
- (d) The FAA may also request inspection and maintenance records which include, but are not limited to: the original or certified true copy of the Export Certificate of Airworthiness issued by the ANAC; records which verify that all overhauls, major changes, and major repairs were accomplished in accordance with approved data; and maintenance records and log entries which substantiate that the used airplane has been properly maintained throughout its service life to the requirements of an approved maintenance program.

3.2.1.4 Export Certificate of Airworthiness Exceptions. The ANAC shall notify the FAA's geographic-responsible Manufacturing Inspection Office (MIO) prior to issuing an Export Certificate of Airworthiness in which a non-compliance to the FAA-approved type design is to be noted under the "Exceptions" section of the Export Certificate of Airworthiness. Addresses for all FAA MIOs are listed in Appendix A. This notification should help to resolve all issues concerning the airplane's eligibility for a U.S. airworthiness certificate. A written acceptance from the FAA is required before the issuance of the ANAC Export Certificate of Airworthiness.

3.2.2 ANAC Acceptance of FAA Export Certificates of Airworthiness and Airworthiness Approval Tags.

- (a) The ANAC's requirements and procedures for import are described in RBHA 21 and CI 21-010, *ANAC Procedures for Approval of Imported Civil Aeronautical Products*, and in the FAA AC 21-2, *Export Airworthiness Approval Procedures (Appendix 2 - Brazilian Requirements)*.
- (b) The FAA's process for issuing export certificates is described in 14 CFR Part 21 and FAA Order 8130.2, *Airworthiness Certification of Aircraft and Related Parts*, FAA Order 8130.21, *Procedures for Completion and Use of the Authorized Release Certificate*, *FAA Form 8130-3, Airworthiness Approval Tag*, and FAA Advisory Circular 21-2, *Export Airworthiness Approval Procedures*.

3.2.2.0 New Aircraft, Aircraft Engines, and Propellers.

- (a) Except as provided in paragraph 3.2.2.4, ANAC shall accept FAA Export Certificates of Airworthiness on new aircraft, aircraft engines and propellers, as identified in Section II, only when the FAA certifies that each aircraft, aircraft engine and propeller:
- (1) Conforms to a type design approved by the ANAC, as specified in the ANAC's type certificate data sheet (Airplane Data Sheet – EA; Rotorcraft Data Sheet – ER; Engine Data Sheet – EM; Propeller Data Sheet – EH; as applicable), except for aircraft, aircraft engines and propellers exempted from such approval per RBHA 21.29 and also referenced in the FAA AC 21-2, *Export Airworthiness Approval Procedures (Appendix 2 - Brazilian Requirements)*;
 - (2) Is in a condition for safe operation, including compliance with applicable Brazilian and U.S. Airworthiness Directives, as notified;
 - (3) Meets all additional requirements prescribed by the ANAC, as notified; and
 - (4) Has undergone a final operational check (only for aircraft engines and propellers).
- (b) Each aircraft, aircraft engine, and propeller exported to Brazil with FAA airworthiness approval will have an FAA Form 8130-4, *Export Certificate of Airworthiness*, issued in accordance with the requirements of 14 CFR Part 21, Subpart L.
- (c) For aircraft, the FAA Export Certificate of Airworthiness should contain a statement such as: “The [INSERT AIRCRAFT MODEL] covered by the certificate conforms to the type design approved under ANAC Type Certificate Number [INSERT TYPE CERTIFICATE NUMBER AND TCDS REVISION LEVEL], and is found to be in a condition for safe operation,” and/or any other “import requirements” text as specified in the ANAC Type Certificate Data Sheet. For aircraft exempted from the Brazilian type certification process, as referred to in 3.2.2.0(a)(1), the statement above should include the FAA Type Certificate number. In addition, for either case, the FAA Export Certificate of Airworthiness should list all STCs and field approvals documents incorporated in the particular aircraft.
- (d) For aircraft engines and propellers, the FAA Export Certificate of Airworthiness should contain a statement such as: “The [INSERT AIRCRAFT ENGINE OR PROPELLER] covered by this certificate conforms to the type design approved under ANAC Type Certificate Number [INSERT TYPE CERTIFICATE NUMBER AND TCDS REVISION LEVEL], is found to be in a condition for safe operation and has undergone a final operational check,” and/or any other “import requirements” text as specified in the ANAC Type Certificate Data Sheet. For aircraft engines and

propellers exempted from the Brazilian type certification process, as referred to in 3.2.2.0(a)(1), the statement above should include the FAA Type Certificate number.

3.2.2.1 New TSO Appliances. Each new appliance exported to Brazil with FAA airworthiness approval will have AN FAA Form 8130-3, *Authorized Release Certificate*. The ANAC shall accept FAA authorized release certificates on new TSO appliances, as identified in Section II, only when the FAA certifies that each TSO appliance:

- (a) Conforms to the design approved by the ANAC, as specified in the ANAC Design Approval Letter;
- (b) Complies with applicable Brazilian and U.S. Airworthiness Directives, as notified;
- (c) Is marked in accordance with paragraph 3.2.3.1(a) of these Implementation Procedures; and
- (d) Meets all additional requirements prescribed by the ANAC, as notified.

3.2.2.2 New Modification and/or Replacement Parts. Each new part exported to Brazil with FAA airworthiness approval will have an FAA Form 8130-3, *Authorized Release Certificate*. The ANAC shall accept these FAA authorized release certificate on new modification and/or replacement parts for the products and appliances identified in Section II. The FAA shall certify, by issuance of FAA Form 8130-3, that each part:

- (a) Is eligible for installation in a product or appliance which has been granted a ANAC design approval;
- (b) Conforms to ANAC-approved design data and is safe for installation;
- (c) Is marked in accordance with paragraph 3.2.3.1(a) of these Implementation Procedures; and
- (d) Meets all additional requirements prescribed by the ANAC, as notified.

3.2.2.3 Used Aircraft for Which There Has Been a Design Approval Granted by the ANAC or Used Aircraft Exempted of Such Approval per RBHA 21.29.

- (a) The ANAC shall accept FAA Export Certificates of Airworthiness on used aircraft for which either the United States or Brazil is the State of Design, as identified in Section II, for import into the Brazil for airworthiness certification when the FAA certifies that each used aircraft:
- (1) Conforms to the ANAC-approved type design or, if exempted from such approval, to the FAA-approved type design, and any additional supplemental type certificates approved by the ANAC, as notified;
 - (2) Is in condition for safe operation, including compliance with all applicable Brazilian and U.S. Airworthiness Directives, as notified;
 - (3) Has been properly maintained, altered, and operated using approved procedures and methods during its service life (evidenced by logbooks and maintenance records);
 - (4) Meets all additional requirements prescribed by the ANAC, as notified; and
 - (5) The FAA Export Certificate of Airworthiness includes the statement in paragraph 3.2.2.0(c). In addition, the FAA Export Certificate of Airworthiness should list all STCs and field approvals documents incorporated in the particular aircraft.
- (b) The ANAC shall also accept the FAA Export Certificate of Airworthiness for used aircraft manufactured in a third country when that third country has a bilateral agreement with the FAA and civil aeronautical products certification procedures agreed with the ANAC covering the same class of product, and the conditions of paragraph 3.2.2.3(a)(1)-(5) have been met.
- (c) The ANAC may also request inspection and maintenance records which include, but are not limited to: the original or certified true copy of the Export Certificate of Airworthiness issued by the FAA; verifying records which ensure that all overhauls, major changes, and major repairs were accomplished in accordance with approved data; and maintenance records and log entries which substantiate that the used aircraft has been properly maintained throughout its service life to the requirements of an approved maintenance program.

3.2.2.4 Export Certificate of Airworthiness Exceptions. The FAA shall notify the ANAC Aeronautical Products Certification Branch prior to issuing an Export Certificate of Airworthiness in which a non-compliance to the ANAC-approved type design is to be noted under the “Exceptions” section of the Export Certificate of Airworthiness. This notification should help to resolve all issues concerning the aircraft’s eligibility for a Brazilian airworthiness certificate. A written acceptance from the ANAC is required before the issuance of the FAA Export Certificate of Airworthiness.

3.2.3 Additional Requirements for Imported Products, Parts, and Appliances.

The following identifies those additional requirements, which must be complied with as a condition of acceptance for products, parts, or appliances imported into the United States or Brazil, or for use on either a U.S.- or Brazil-registered aircraft.

3.2.3.0 U.S. Requirements.

(a) Identification and Marking.

- (1) Airplanes and rotorcraft identified in Section II must be identified as required in 14 CFR § 45.11.
- (2) Each critical component of a product must be identified with a part number (or equivalent) and serial number (or equivalent) in accordance with 14 CFR § 45.14.
- (3) Each appliance of a design approved by an FAA letter of TSO design approval must be marked in accordance with the requirements in 14 CFR Part 21, Subpart O, and all additional marking requirements specified in the particular TSO.
- (4) Each part to be used as a replacement or modification part must be marked by a part number, serial number if applicable, and the manufacturer's name or trademark. In addition, information concerning the manufacturer’s name and model designation of the type certificated product for which the part is eligible for installation must be furnished.
- (5) Each part produced to U.S. STC design data must be marked with the U.S. STC number, as size permits, in addition to the requirements of paragraph 3.2.3.0.(a)(4). If size does not permit, information should accompany each part that identifies the applicable U.S. STC. This information may be included on the appropriate authorized release certificate.

(b) Instructions for Continued Airworthiness. Each airplane and rotorcraft identified in Section II must be accompanied by instructions for continued airworthiness and manufacturer’s maintenance manuals having airworthiness limitation sections, as prescribed in 14 CFR § 21.50.

- (c) Maintenance Records. Each airplane and rotorcraft identified in Section II, including the aircraft engine, propeller, rotor, or appliance, must be accompanied by maintenance records equivalent to those specified in 14 CFR § 91.417.

3.2.3.1 Brazilian requirements.

(a) Identification and Marking.

- (1) Aircraft, aircraft engines, and propellers must be identified as required in RBHA 45, Section 45.11.
 - (2) Each critical component of a product must be identified with a part number (or equivalent) and serial number (or equivalent) in accordance with RBHA 45, Section 45.14.
 - (3) Each appliance of a design approved by an ANAC Design Approval Letter must be marked in accordance with the requirements in RBHA 21, Subpart O, and all additional marking requirements specified in the particular OTP. Nevertheless, the holder of an ANAC Design Approval Letter for a TSO-approved appliance does not need to remark the appliance in accordance with the above instructions.
 - (4) Each part to be used as replacement or modification parts must be marked by a part number, serial number if applicable, and the manufacturer's name or trademark. In addition, information concerning the model designation of the type certificated product for which the part is eligible for installation must be furnished.
 - (5) Each part produced to ANAC CHST design data must be marked
 - (6) with the ANAC CHST number, as size permits, in addition to the requirements of paragraph 3.2.3.1.(a)(4). If size does not permit, information should accompany each part that identifies the applicable ANAC CHST. This information may be included on the appropriate authorized release certificate.
- (b) Instructions for Continued Airworthiness. Each aircraft, aircraft engine, and propeller must be accompanied by instructions for continued airworthiness and manufacturer's maintenance manuals having airworthiness limitation sections, as prescribed in RBHA 21, Section 21.50.
- (c) Maintenance Records. Each aircraft, including the aircraft engine, propeller, rotor, or appliance, must be accompanied by maintenance records equivalent to those specified in RBHA 91, Section 91.417.

3.3 POST DESIGN APPROVAL PROCEDURES

3.3.0 CONTINUED AIRWORTHINESS

3.3.0.0 General.

- (a) The exporting authority is responsible as the State of Design (under International Civil Aviation Organization (ICAO) Annex 8) for resolving in-service safety issues related to design or production. The exporting authority shall provide applicable information that it has found to be necessary for mandatory modifications, required limitations and/or inspections to the importing authority to ensure continued operational safety of the product, part, or appliance. The importing authority will review and normally accept the corrective actions taken by the exporting authority in the issuance of its own mandatory corrective actions.
- (b) At the request of the importing authority, the exporting authority shall assist the importing authority in determining what action is considered necessary by the importing authority for the continued operational safety of the product, part, or appliance. The decision as to the final action to be taken with respect to the products, parts, or appliances under the jurisdiction of the importing country lies solely with the importing authority.

3.3.0.1 Reporting of Malfunctions, Failures, and Defects (MF&D).

- (a) The FAA and ANAC agree to perform the following functions for the products, parts, and appliances exported to the other country:
 - (1) Tracking of MF&D reports and accident/incidents.
 - (2) Evaluating MF&D and accident/incidents.
 - (3) Investigating and resolving all suspected unsafe conditions.
 - (4) Advising the importing authority of all unsafe conditions and the necessary corrective actions (see paragraph 3.3.0.2 below).
 - (5) Upon request, providing the importing authority with the following:
 - (i) Reports of MF&D and accidents/incidents;
 - (ii) Status of investigations into MF&D and accidents/incidents;
 - (iii) Copies of conclusions reached in its investigation into MF&D; and
 - (iv) Copies of conclusions reached in investigations into accidents/incidents in accordance with ICAO Annex 13.

- (6) Making a reasonable effort to resolve issues raised by the importing authority concerning matters of safety for products registered in the importing country.
- (b) The FAA and ANAC, as importing authorities, agree to perform the following functions:
- (1) Advising the exporting authority of MF&D and accidents/incidents which are believed to be potentially unsafe conditions occurring on the products and appliances which are imported from the country of the exporting authority.
 - (2) Supporting the exporting authority in investigations of unsafe conditions and their occurrences on the imported aircraft.
 - (3) Advising the exporting authority, if as a result of investigations made by the importing authority into MF&D and accidents/incidents, it has determined that it will make corrective actions mandatory.
- (c) Copies of U.S. MF&D reports are available from the FAA Mike Monroney Aeronautical Center, Delegation & Airworthiness Programs Branch. Copies of U.S. MF&D reports are also available on the Mike Monroney Aeronautical Center Internet web site at <http://av-info.faa.gov/isdr>. Copies of Brazilian MF&D reports are available from the ANAC Aeronautical Products Certification Branch, Service Difficulties Branch.

3.3.0.2 Unsafe Condition and Mandatory Continuing Airworthiness Actions.

- (a) The FAA (under 14 CFR Part 39) and ANAC (under RBHA 39) issue mandatory continuing airworthiness actions. The FAA and ANAC agree to perform the following functions for the products, parts and appliances for which it is the State of Design (exporting authority):
- (1) Issuing a mandatory continuing airworthiness action (Airworthiness Directive) whenever the authority determines that an unsafe condition exists in a type certificated product or appliance, and is likely to exist or develop on a type certificated product or appliance of the same type design. This may include a product or appliance that has another product, part, or appliance installed on it and the installation causes the unsafe condition. The contents of such a mandatory continuing airworthiness action should include, but are not limited to, the following:
 - (i) Make, model, and serial numbers of affected aircraft, aircraft engines, propellers, appliances, and parts;
 - (ii) Description of the unsafe condition, reasons for the mandatory action, and its impact on the overall aircraft and continued operation;

- (iii) Description of the cause of the unsafe condition (e.g., stress corrosion, fatigue, design problem, quality control, unapproved part);
 - (iv) The means by which the unsafe condition was detected and, if resulting from in-service experience, the number of occurrences; and
 - (v) Corrective actions and corresponding compliance times, with a list of the relevant manufacturer's service information including reference number, revision number and date.
- (2) Ensuring that the following information is provided to the other authority as part of the mandatory continuing airworthiness action or directly from the approval holder:
- (i) The number of aircraft worldwide needing corrective action;
 - (ii) A statement on the availability of parts; and
 - (iii) An estimate of the number of labor hours and the cost of parts required for the corrective actions. (For Brazil, this data is included in the applicable service bulletin.)
- (3) Issuing a revised or superseding mandatory continuing airworthiness action whenever the exporting authority finds any previously issued mandatory continuing airworthiness action was incomplete or inadequate to fully correct the unsafe condition.
- (4) Notifying the importing authority of the unsafe condition and the necessary corrective actions by submitting a copy of the mandatory continuing airworthiness action at the time of publication to the address referenced in 3.3.0.1(c) above. Additionally, the exporting authority shall arrange for copies of all relevant service bulletins referenced in the mandatory action, as well as other supporting documentation, to be forwarded to the appropriate focal point in the product-responsible FAA Directorate and the ANAC.
- (5) In the case of emergency airworthiness action, the exporting authority should ensure special handling so that the importing authority is notified immediately.
- (6) Advising and assisting the importing authority in defining the appropriate actions for the importing authority to take in the issuance of its own mandatory continuing airworthiness action.
- (7) Providing sufficient information to the importing authority for its use in making determinations as to the acceptability of alternative means of compliance to mandatory continuing airworthiness actions.

- (8) On a quarterly basis, providing the importing authority a summary index list of mandatory continuing airworthiness actions issued by the exporting authority for products and appliances exported to the country of import.
- (b) The FAA and ANAC recognize that they may disagree as to the finding of an unsafe condition. In that case, it is expected that the importing authority will normally consult with the authority of the State of Design (exporting authority) prior to issuing its own airworthiness directive.
- (c) The FAA and ANAC, as importing authorities, agree to respond quickly to the issuance of a mandatory continuing airworthiness action by the exporting authority in making its own determination of the need for issuing its own similar mandatory continuing airworthiness action that addresses the unsafe condition on affected products or appliances certified, approved or otherwise accepted by the importing authority.

3.3.1 DESIGN CHANGES

3.3.1.0 Procedures for Changes to a U.S. Type Certificate.

- (a) Major changes (e.g., model changes, product improvements, etc.) to a type design, sought by the type certificate holder, may be issued as amendments to the type certificate issued under the provisions of 14 CFR § 21.29 or otherwise approved by the FAA. A certification procedure similar to that described in paragraph 3.0.1 shall be applied, but adjusted as appropriate for the magnitude and complexity of the design change. The FAA retains the right to determine if the proposed change is so substantial that a new type certificate is required for the changed type design.
- (b) To assist the FAA in determining its level of activity with a specific design change, and whether the changes can be considered approved by the FAA upon ANAC's approval under its normal procedures, the ANAC should notify the FAA of each major type design change proposed by the type certificate holder that would affect:
 - (i) the Flight Manual,
 - (ii) the Approved Airworthiness Limitations,
 - (iii) the Type Certificate Data Sheet,
 - (iv) the Master Minimum Equipment List,
 - (v) a Certification Maintenance Requirement, or
 - (vi) any other specific items identified by the FAA.

- (c) The ANAC must notify the FAA whenever the certification basis of a proposed change includes findings of equivalent level of safety, additional technical conditions, special conditions, exemptions, and other requirements where the FAA may exercise its discretion in making the finding.
- (d) Major changes to an airplane's type certificated design, which are not great enough to require new application for a type certificate may also be approved through the issuance of a U.S. STC. Procedures for the issuance of a U.S. STC are found in paragraph 3.0.3.
- (e) Minor design changes made by the type certificate holder shall be considered approved by the FAA upon approval by the ANAC under its normal procedures.
- (f) As specified in 14 CFR § 21.93, for the purpose of complying with 14 CFR Part 34, each voluntary change in the type design of an airplane or engine that may increase fuel venting or exhaust emissions is an "emissions change," requiring further demonstration of compliance. Likewise, for the purpose of complying with 14 CFR Part 36, each voluntary change in the type design of an airplane that may increase the noise levels of that airplane is an "acoustical change," requiring further demonstration of compliance.

3.3.1.1 Procedures for Changes to a Brazilian Type Certificate.

- (a) Major changes (e.g., model changes, product improvements, etc.) to a type design, sought by the type certificate holder may be issued as amendments to the type certificate under the provisions of RBHA 21, Section 21.29 or otherwise approved by the ANAC. A certification procedure similar to that described in paragraph 3.0.2 shall be applied, but adjusted as appropriate for the magnitude and complexity of the design change. The ANAC retains the right to determine if the proposed change is so substantial that a new type certificate is required for the changed type design.
- (b) To assist the ANAC in determining its level of activity with a specific design change, and whether the changes can be considered approved by the ANAC upon FAA's approval under its normal procedures, the FAA should notify the ANAC of each major type design change proposed by the type certificate holder that would affect:
 - (i) the Flight Manual,
 - (ii) the Approved Airworthiness Limitations,
 - (iii) the Type Certificate Data Sheet,
 - (iv) the Master Minimum Equipment List,

- (v) a Certification Maintenance Requirement, or
 - (vi) any other specific items identified by the ANAC.
- (c) The FAA must notify the ANAC whenever the certification basis of a proposed change includes findings of equivalent level of safety, additional technical conditions, special conditions, exemptions, and other requirements where the ANAC may exercise its discretion in making the finding.
- (d) Major changes to a type certificated design (aircraft, aircraft engines, and propellers) which are not great enough to require new application for a type certificate may also be approved through the issuance of a Brazilian CHST. Procedures for the issuance of a Brazilian CHST are found in paragraph 3.0.4.
- (e) Minor design changes made by the type certificate holder shall be considered approved by the ANAC upon approval by the FAA under its normal procedures.
- (f) As specified in RBHA 21, Section 21.93, for the purpose of complying with RBHA 34, each voluntary change in the type design of an airplane or engine that may increase fuel venting or exhaust emissions is an “emissions change,” requiring further demonstration of compliance. Likewise, for the purpose of complying with RBHA 36, each voluntary change in the type design of an aircraft that may increase the noise levels of that aircraft is an “acoustical change,” requiring further demonstration of compliance.

3.3.1.2 Procedures for Changes to a Supplemental Type Certificate. The FAA and the ANAC agree to follow the procedures in paragraphs 3.3.1.0 and 3.3.1.1 to the extent applicable. Where unique situations may occur, the FAA and ANAC will consult with each other on the specific process to be applied.

3.3.1.3 Procedures for Changes to a Flight Manual. The FAA and ANAC may delegate the review and signature of revisions to flight manuals, supplements and appendices, on behalf of each other, in order to facilitate their timely approval. Minor revisions will be reviewed by the exporting authority on behalf of the importing authority, and the exporting authority will ensure that the data meets the importing authority’s requirements. Significant revisions must be submitted to the importing authority for review and acceptance before any signature on behalf of the importing authority. For an individual certification project, the exporting authority will consult with the importing authority when it decides which revisions are significant and which are minor.

3.3.1.4 Procedures for Changes to an FAA Letter of TSO Design Approval for a Brazilian Manufacturer. Major changes to a TSO design require re-substantiation of the new design and re-issuance of the Letter of TSO Design Approval, and shall be done in accordance with the procedures in paragraph 3.0.5. For minor changes, the ANAC will forward a list of changes for TSO appliances semi-annually to the FAA's issuing office.

3.3.1.5 Procedures for Changes to an ANAC Design Approval Letter for an FAA TSOA Appliance. Major changes to an FAA TSO design require re-substantiation and re-issuance of the FAA TSOA and re-issuance of the ANAC Design Approval Letter, and shall be done in accordance with the procedures in paragraph 3.0.6. For minor changes the ANAC will not require prior notification and will rely upon an FAA determination of compliance.

3.3.2 APPROVAL OF DESIGN DATA USED IN SUPPORT OF REPAIRS

3.3.2.0 General. Design data used in support of repairs must be approved or accepted, as appropriate, by the exporting authority (State of Design). Design data approved by the exporting authority in accordance with the procedures set forth below is considered to be approved by the importing authority.

- (a) FAA as Exporting Authority. Design data used in support of major repairs will be approved in accordance with FAA Order 8110.4, *Type Certification Process*. Minor repairs are made in accordance with "acceptable" data, in accordance with 14 CFR Part 43.
- (b) ANAC as Exporting Authority. ANAC approves structural repair manuals and major repairs incorporated in an individual airplane either by its own structural engineering specialists or by the designated engineering representatives at the manufacturer of the affected product. Those individual airplane repairs shall be recorded and substantiated by issuance of the Form F-200-06, *Report of Compliance of Aircraft or Other Aeronautical Products with the RBHA*. Minor repairs, made in accordance with RBHA 43, are accepted by ANAC.

3.3.3 ADMINISTRATION OF DESIGN APPROVALS

3.3.3.0 Transfer of U.S. Type Certificate to a Person in Brazil.

- (a) Upon transfer or an agreed-upon date, the ANAC will become responsible for complying with the requirements of ICAO Annex 8 to the Chicago Convention, *Airworthiness of Aircraft*, for affected products, and will notify all ICAO member countries of the change in State of Design responsibility, upon completion of the procedures described below.

- (b) The FAA will transfer to the ANAC the ICAO State of Design responsibilities for type certificates only for products within the scope of these Implementation Procedures. The ANAC will not assume ICAO State of Design responsibilities for models that have not been found to meet the ANAC certification requirements.
- (c) Upon notification of a transfer by a U.S. type certificate holder to a person in Brazil, the FAA Office that issued the type certificate will notify the ANAC Aeronautical Products Certification Branch and establish procedures to transfer the ICAO State of Design responsibilities for the type certificate to Brazil. Each transfer will be accomplished on a case-by-case basis through a special arrangement, which identifies each authority's responsibilities in the transfer process.
- (d) If a corresponding Brazilian type certificate already exists for the product, the transfer of ICAO State of Design responsibilities will apply to all models listed on that Brazilian type certificate. For any FAA-certificated model not listed on the ANAC type certificate, the FAA will, if requested, provide support to establish acceptance of the additional model as showing compliance to the applicable ANAC certification requirements. This support would include the FAA's statement of compliance that the model meets the Brazilian certification requirements. Upon acceptance, the ANAC will place the additional model on the ANAC type certificate.
- (e) If the transferee of the type certificate applies for an ANAC type certificate, the FAA will provide support to establish acceptance of the FAA type certificate as showing compliance to the applicable certification requirements of the ANAC. This would include the FAA's statement of compliance that the product meets the ANAC's certification requirements. Upon acceptance, the ANAC will issue the ANAC type certificate.
- (f) The transfer of the ICAO State of Design responsibilities for the type certificate to the ANAC will be considered complete when the ANAC confirms that all necessary data have been transferred to the new holder, and the new holder is able to perform the responsibilities required of a type certificate holder.
- (g) The FAA will reissue a type certificate in the name of the transferee after the ANAC type certificate issuance, unless the new holder does not wish to maintain FAA approval.
- (h) If the transferee does not hold and does not apply for an ANAC type certificate, or if the transferee's ANAC type certificate covers only some models covered by the FAA type certificate and the transferee does not apply for an additional approval, the FAA will not transfer ICAO State of Design responsibilities for the applicable models to the ANAC. The FAA will continue to fulfill ICAO State of Design responsibilities for those models only as long as an undue burden is not placed on the FAA.

3.3.3.1 Transfer of Brazilian Type Certificate to a Person in the United States.

- (a) Upon transfer or an agreed-upon date, the FAA will become responsible for complying with the requirements of ICAO Annex 8 to the Chicago Convention, Airworthiness of Aircraft, for affected aircraft, and will notify all ICAO member countries of the change in State of Design responsibility, upon completion of the procedures described below.
- (b) The ANAC will transfer to the FAA the ICAO State of Design responsibilities for type certificates only for products within the scope of these Implementation Procedures. The FAA will not assume ICAO State of Design responsibilities for models that have not been found to meet the FAA certification requirements.
- (c) Upon notification of a transfer by a Brazilian type certificate holder to a person in the United States, the ANAC Aeronautical Products Certification Branch will notify the FAA Office responsible for the new holder and establish procedures to transfer the ICAO State of Design responsibilities for the type certificate to the United States. Each transfer will be accomplished on a case-by-case basis through a special arrangement, which identifies each authority's responsibilities in the transfer process.
- (d) If a corresponding U.S. type certificate already exists for the product, the transfer of ICAO State of Design responsibilities will apply to all models listed on the U.S. type certificate. For any ANAC-certificated model not listed on the FAA type certificate, the ANAC will, if requested, provide support to establish acceptance of the additional model as showing compliance to the applicable FAA certification requirements. This support would include the ANAC's statement of compliance that the model meets the U.S. certification requirements. Upon acceptance, the FAA will place the additional model on the FAA type certificate.
- (e) If the transferee of the type certificate applies for an FAA type certificate, the ANAC will provide support to establish acceptance of the ANAC type certificate as showing compliance to the applicable certification requirements of the FAA. This would include the ANAC's statement of compliance that the product meets the FAA's certification requirements. Upon acceptance, the FAA will issue the FAA type certificate.
- (f) The transfer of the ICAO State of Design responsibilities for the type certificate to the FAA will be considered complete when the FAA confirms that all necessary data have been transferred to the new holder, and the new holder is able to perform the responsibilities required of a type certificate holder.

- (g) The ANAC will reissue a type certificate in the name of the transferee after the FAA type certificate issuance, unless the new holder does not wish to maintain ANAC approval.
- (h) If the transferee does not hold and does not apply for an FAA type certificate, or if the transferee's FAA type certificate covers only some models covered by the ANAC type certificate and the transferee does not apply for an additional approval, the ANAC will not transfer ICAO State of Design responsibilities for the applicable models to the FAA. The ANAC will continue to fulfill ICAO State of Design responsibilities for those models only as long as an undue burden is not placed on the ANAC.

3.3.3.2 Transfer of U.S. Supplemental Type Certificate to a Person in Brazil.

- (a) The ANAC will become responsible for complying with the requirements of ICAO Annex 8 to the Chicago Convention, *Airworthiness of Aircraft*, for affected products.
- (b) The FAA may transfer to the ANAC the ICAO State of Design responsibilities for STCs for any product. The ANAC will not assume ICAO State of Design responsibilities for models that have not been found to meet the ANAC certification requirements.
- (c) Upon notification of a transfer by a U.S. STC holder to a person in Brazil, the FAA Office that issued the STC will notify the ANAC and establish procedures to transfer the ICAO State of Design responsibilities for the STC to the ANAC. Each transfer will be accomplished on a case-by-case basis through a special arrangement, which identifies each authority's responsibilities in the transfer process.
- (d) If a corresponding ANAC CHST already exists for the changed product, the transfer will apply to the model listed on that ANAC CHST.
- (e) If the transferee of the STC applies for a ANAC CHST, the FAA will provide support to establish acceptance of the FAA STC as showing compliance to the applicable certification requirements of the ANAC. This would include the FAA's statement of compliance that the changed product meets the ANAC's certification requirements. Upon acceptance, the ANAC will issue the ANAC CHST.
- (f) The transfer of the ICAO State of Design responsibilities for the STC to the ANAC will be considered complete when the ANAC confirms that all necessary data have been transferred to the new holder and the new holder is able to perform the responsibilities required of an STC holder.
- (g) The FAA will only reissue an STC in the name of the transferee after ANAC CHST issuance when it is for a Brazilian product that is eligible for import into the United States. If the transferee does not wish to maintain FAA approval, the FAA will not reissue the STC.

- (h) If the ANAC has not issued the corresponding type certificate for the product being changed, or if the transferee does not hold and does not apply for an ANAC CHST for the same design change, the FAA will not transfer ICAO State of Design responsibilities for the applicable models to the ANAC. The FAA will continue to fulfill ICAO State of Design responsibilities for the STC only as long as an undue burden is not placed on the FAA.

3.3.3.3 Transfer of ANAC Supplemental Type Certificate to a Person in the United States.

- (a) The FAA will become responsible for complying with the requirements of ICAO Annex 8 to the Chicago Convention, Airworthiness of Aircraft, for affected products.
- (b) The ANAC may only transfer to the FAA the ICAO State of Design responsibilities for STCs for Brazilian products, which are eligible for import into United States. The FAA will not assume ICAO State of Design responsibilities for models that have not been found to meet the FAA certification requirements.
- (c) Upon notification of a transfer by a Brazilian CHST (STC) holder to a person in the United States, the ANAC Aeronautical Products Certification Branch will notify the FAA Office responsible for the new holder and establish procedures to transfer the ICAO State of Design responsibilities for the STC to the FAA. Each transfer will be accomplished on a case-by-case basis through a special arrangement, which identifies each authority's responsibilities in the transfer process.
- (d) If a corresponding U.S. STC already exists for the changed product, the transfer will be applied to the model listed on that U.S. STC.
- (e) If the transferee of the STC applies for a U.S. STC, the ANAC will provide support to establish acceptance of the ANAC CHST as showing compliance to the applicable certification requirements of the FAA. This would include the ANAC's statement of compliance that the changed product meets the FAA's certification requirements. Upon acceptance, the FAA will issue the U.S. STC.
- (f) The transfer of the ICAO State of Design responsibilities for the STC to the FAA will be considered complete when the FAA confirms that all necessary data have been transferred to the new holder and the new holder is able to perform the responsibilities required of an STC holder.
- (g) The ANAC will reissue a CHST in the name of the transferee after U.S. STC issuance, unless the transferee does not wish to maintain ANAC approval.

- (h) If the FAA has not issued the corresponding type certificate for the product being changed, or if the transferee does not hold and does not apply for a U.S. STC for the same design change, the ANAC will not transfer ICAO State of Design responsibilities for the applicable models to the FAA. The ANAC will continue to fulfill ICAO State of Design responsibilities for the STC only as long as an undue burden is not placed on the ANAC.

3.3.3.4 Surrender of Type Certificate or Supplemental Type Certificate. If a certificate holder elects to surrender a type certificate or supplemental type certificate issued by either the FAA or ANAC as the exporting authority, the FAA or ANAC shall immediately notify the other in writing of the action. The FAA and ANAC, as exporting authorities, shall accomplish all actions necessary to ensure continued airworthiness of the product until such time as:

- (a) The type certificate or supplemental type certificate is reissued to a new holder when that new holder demonstrates competence to fulfill the necessary obligations; or
- (b) The FAA or ANAC, as the exporting authority, terminates the type certificate or supplemental type certificate. Prior to termination, the exporting authority shall notify the importing authority of the pending cancellation.

3.3.3.5 Revocation or Suspension of Type Certificate or Supplemental Type Certificate.

- (a) In the event the ANAC revokes or suspends a type certificate or supplemental type certificate of a product for which the ANAC is the authority of the State of Design, it should immediately inform the FAA product-responsible Directorate. The FAA, upon notification, will conduct an investigation to determine if action is required in the United States. If the revocation or suspension was “for cause” and the FAA concurs with the ANAC’s certificate action, the FAA will initiate revocation or suspension of the U.S. type certificate or supplemental type certificate. The FAA may decide to assume continued airworthiness responsibilities if there is sufficient information for it to support the continued operational safety of the fleet in the United States. In this case the ANAC should obtain and provide type design data as requested to the FAA. Final certificate action is at the sole discretion of the FAA. The FAA may revoke the U.S. type certificate or supplemental type certificate if the continued airworthiness responsibilities would cause an undue burden for the FAA.
- (b) In the event the FAA revokes or suspends a type certificate or supplemental type certificate of a product for which the FAA is the authority of the State of Design, the FAA product-responsible Directorate should immediately inform the ANAC. The ANAC, upon notification, will conduct an investigation to determine if action is required in Brazil. If the

revocation was “for cause” and the ANAC concurs with the FAA’s certificate action, the ANAC will initiate revocation of the Brazilian type certificate or supplemental type certificate. The ANAC may decide to assume continued airworthiness responsibilities if there is sufficient information for it to support the continued operational safety of the fleet in Brazil. In this case the FAA should obtain and provide type design data as requested to the ANAC. Final certificate action is at the sole discretion of the ANAC. The ANAC may revoke the Brazilian type certificate or supplemental type certificate if the continued airworthiness responsibilities would cause an undue burden for the ANAC.

3.3.3.6 Surrender or Withdrawal of Letter of TSO Design Approval/TSO Design Approval Letter.

- (a) Surrenders. If an FAA TSO Authorization or Letter of Design Approval holder, or an ANAC “Atestado de Produto Aeronáutico Aprovado/Ordem Técnica Padrão” (APAA/OTP) or a TSO Design Approval Letter holder, elects to surrender the TSO or OTP approval issued by the FAA or ANAC respectively, as exporting authorities, the FAA or ANAC will immediately notify the other in writing of the action. The exporting authority shall accomplish all actions necessary to ensure continued airworthiness of the appliance until such time as the TSO/OTP approval is formally withdrawn by the exporting authority.
- (b) Withdrawals. If a TSO/OTP approval is withdrawn, the FAA or ANAC, as exporting authorities, will immediately notify the other in writing of the action. The exporting authority shall accomplish all actions necessary to ensure continued airworthiness of the appliance produced under its TSO/OTP approval. In the event of withdrawal of a TSO/OTP approval for noncompliance, the exporting authority will investigate all nonconformities for corrective action and notify the importing authority of the corrective action. The exporting authority still has responsibility for the continued airworthiness of those TSO/OTP articles manufactured under its authority.

SECTION IV TECHNICAL ASSISTANCE BETWEEN AUTHORITIES

4.0 General. Upon request and after mutual agreement, and as resources permit, the FAA and ANAC may provide technical assistance to each other when significant activities are conducted in either the United States or Brazil. These technical assistance activities will help to avoid the undue burden imposed on the exporting authority in the undertaking of its regulatory surveillance and oversight functions at locations outside the country of export. These supporting technical assistance activities shall in no way relieve the exporting authority of the responsibilities for regulatory control and airworthiness certification of products, parts, and appliances manufactured at facilities located outside the exporting country. Each authority will use its own policies and procedures when providing technical assistance to the other authority, unless other special arrangements are agreed upon. Types of assistance may include, but are not limited to, the following:

(a) Determination of Compliance.

- (1) Witnessing tests;
- (2) Performing compliance and conformity inspections;
- (3) Reviewing reports; and
- (4) Obtaining data.

(b) Surveillance and Oversight.

- (1) Witnessing of first article inspection of parts;
- (2) Monitoring the controls on special processes;
- (3) Conducting sample inspections on production parts;
- (4) Monitoring the activities and functions of designees;
- (5) Conducting investigations of service difficulties; and
- (6) Evaluating/surveilling of production quality systems.

4.1 Witnessing of Tests During Design Approval.

- (a) The airworthiness authority of the country in which a design approval applicant is located may request assistance in the witnessing of tests from the airworthiness authority of the country in which a design approval applicant's supplier is located.
- (b) Only authority-to-authority requests are permissible and authorities will not respond to a test-witnessing request from the manufacturer or supplier. Witnessing of tests will be conducted only after consultations between the two airworthiness authorities on the specific work to be performed and agreement has

been obtained from the airworthiness authority in the country in which the supplier is located. The airworthiness authority of the country in which the design approval applicant is located makes the written request for witnessing of tests.

- (c) Approval of the design approval applicant's test plans, test procedures, test specimens, and hardware configuration remains the responsibility of the airworthiness authority of the country in which the design approval applicant is located. Establishing the conformity of each test article prior to the conduct of the test is the responsibility of the design approval applicant.
- (d) Requests for witnessing of tests must be specific enough to provide for identification of the location, timing, and nature of the test to be witnessed. An approved test plan must be provided by the requesting authority at least two weeks prior to each scheduled test.
- (e) ANAC requests for witnessing of tests will be sent to the appropriate FAA Office. For tests associated with a current ANAC or FAA validation program, the requests should be sent to the FAA Office responsible for the U.S. applicant. For tests associated with a Brazilian certification program only, the requests should be sent to the FAA Aircraft Certification Office, which has geographic responsibility for the State in which the tests will take place. FAA Offices are listed in Appendix A. ANAC's requests will be sent on a completed ANAC Form F-200-15, *Request for Test Witnessing*. The FAA requests for witnessing of tests will be sent by letter to the appropriate ANAC address (Aeronautical Products Certification Branch), as listed in Appendix B.
- (f) Upon completion of test witnessing on behalf of the requesting authority, the FAA or ANAC will send a report stating that the test was conducted in accordance with approved test plans and confirming the test results, as well as any other documentation as notified by the requesting authority.

4.2 Conformity Certifications During Design Approval.

- (a) The airworthiness authority of the country in which a design approval applicant is located may request conformity certifications from the airworthiness authority in the country in which the design approval applicant's supplier is located for prototype parts produced by that supplier.
- (b) Only authority-to-authority requests are permissible and authorities will not respond to a conformity certification request from the manufacturer or supplier. Certifications will be conducted only after consultations between the two airworthiness authorities on the specific work to be performed, and agreement has been obtained from the airworthiness authority in the country in which the supplier is located. Requests for conformity certifications should be limited to prototype parts that are of such complexity that they are not inspectable by the manufacturer or its airworthiness authority prior to installation in the final product. Conformity certifications may require the development of a working procedure based on the complexity of the requested certifications. At the discretion of the authority in receipt of such requests, conformity certifications may be delegated to authorized designees or approved organizations.

- (c) The ANAC requests for conformity certifications will be sent to the appropriate FAA Office. For conformity certifications associated with a current ANAC or FAA validation program, the requests should be sent to the FAA office responsible for the U.S. applicant. For conformity certifications associated with a Brazilian certification program only, the requests should be sent to the FAA Directorate Manufacturing Inspection Office, which has geographic responsibility for the State in which the conformity certification will take place. FAA Offices are listed in Appendix A. ANAC's requests will be sent on a completed ANAC Form F-200-14, *Request for Conformity*. FAA requests for conformity certifications will be sent on a completed FAA Form 8120-10, *Request for Conformity*, to the appropriate ANAC address, as listed in Appendix B.
- (d) Upon completion of all conformity inspections conducted on behalf of the requesting authority, the FAA or ANAC will complete and return all documentation to the requesting authority, as notified. The airworthiness authority of the country in which the supplier is located will note all deviations from the requirements notified by the design approval applicant's airworthiness authority on the conformity certification for the particular part. Any nonconformity described as a deviation should be brought to the attention of the FAA or ANAC for evaluation and disposition. The FAA or ANAC should receive a report stating the disposition required on each deviation before an FAA Form 8130-3 or ANAC Form SEGVÔO 003 is issued.
- (e) Neither conformity certification on prototype parts, nor inspections on production parts, should be construed as being an export airworthiness approval, since a conformity certification does not constitute an airworthiness determination. Airworthiness determinations remain the responsibility of the design/production approval holder and the airworthiness authority of the country in which the holder is located.

4.3 Airworthiness Certificates. There may be certain programs and conditions that warrant technical assistance from each authority for the issuance of standard airworthiness certificates so that aircraft may be placed directly into operation from the site of manufacture. The importing authority may seek assistance from the exporting authority in the final processing and delivery of an airworthiness certificate when the aircraft has completed its manufacturing cycle, and has subsequently been granted an Export Certificate of Airworthiness by the exporting authority. This will require the development of a special procedure between the exporting and importing authorities to mitigate all undue regulatory burdens.

4.4 Protection of Proprietary Data and Freedom of Information Act (FOIA) Requests.

4.4.0 Protection of Proprietary Data. Both authorities recognize that data submitted by a design approval holder is the intellectual property of that holder, and release of that data by the FAA or ANAC is restricted. The FAA and ANAC agree that they will not copy, release, or show proprietary data obtained from either authority to anyone other than an FAA or ANAC employee without written consent of the design approval holder or other data submitter. This written consent should be obtained by the FAA or ANAC from the design approval holder through the authority of the country in which the holder is located and will be provided to the other authority.

4.4.1 FOIA Requests. The FAA often receives requests from the public under the United States Freedom of Information Act (FOIA) to release information, which the FAA may have in its possession. Each record the FAA has in its possession must be disclosed under the FOIA unless a FOIA exemption applies to that record. One exemption is for trade secrets, and financial or commercial information that is confidential or privileged. Design approval holders' data may include trade secrets or other information that is confidential because release of the information would damage the competitive position of the holder or other person. When the FAA receives a FOIA request related to a product, part, or appliance of an FAA approval holder or applicant who is located in Brazil, the FAA will request the ANAC's assistance in contacting the FAA approval holder or applicant to help determine what portions of that information may qualify for exemption under the criteria above and to ask them to provide factual information justifying use of the exemption. If the approval holder or applicant consents to the release of information, the ANAC must provide the written consent to the FAA. If release is objected to, a statement of the reasons must be furnished by the ANAC to the FAA.

4.5 Accident/Incident and Suspected Unapproved Parts Investigation Information Requests. When either the FAA or ANAC needs information for the investigation of service incidents, accidents, or suspected unapproved parts involving a product, part, or appliance imported under these Implementation Procedures, the request for the information should be directed to the appropriate office of the exporting authority. In turn, upon receipt of the request for information, the exporting authority should immediately do everything necessary to make sure the requested information is provided in a timely manner. If urgency requires that either the FAA or ANAC requests the information directly from the manufacturer because immediate contacts cannot be made with the exporting authority, the importing authority shall inform its counterpart authority of this action as soon as possible.

SECTION V SPECIAL ARRANGEMENTS

5.0 It is anticipated that urgent or unique situations will develop which have not been specifically addressed in these Implementation Procedures, but which are within the scope of the BASA. When such a situation arises, it shall be reviewed by the respective FAA Aircraft Certification Service Director and the ANAC – Aeronautical Products Certification Manager, and a procedure shall be developed to address the situation. The procedure shall be mutually agreed upon by the FAA and the ANAC in a separate working procedure. If it is apparent that the situation is unique, with little possibility of repetition, then the working procedure shall be of limited duration. However, if the situation has anticipated new technology or management developments, which could lead to further repetitions, then these Implementation Procedures shall be revised accordingly by the FAA and the ANAC.

5.1 It should be noted that, when the unique or urgent situation falls within the responsibility of an FAA Aircraft Certification Service Directorate Manager, that Manager will be responsible for developing the necessary procedures with the ANAC. The special arrangements co-developed between the authorities are listed in Appendix D.

SECTION VI AUTHORITY

The FAA and ANAC agree to the provisions of these Implementation Procedures as indicated by the signature of their duly authorized representatives.

FEDERAL AVIATION ADMINISTRATION
DEPARTMENT OF TRANSPORTATION
UNITED STATES OF AMERICA

By Marion Blakey

Title Administrator

Date 9/8/06

NATIONAL AGENCY OF CIVIL AVIATION
MINISTRY OF DEFENSE
BRAZIL

By Milton Zuanazzi

Title Director-President ANAC

Date 08/09/06

APPENDIX A

List of Addresses for

FAA Headquarters Offices, FAA Mike Monroney Aeronautical Center,
FAA Aircraft Certification Service Directorates, FAA Manufacturing Inspection Offices,
and FAA Aircraft Certification Offices

FAA Headquarters - Aircraft Certification Service

International Policy Office

AIR-40
Room 600W
c/o Wilbur Wright Building
800 Independence Avenue, SW
Washington, DC 20591

Telephone: 1-202-385-8940
Fax: 1-202-493-5144

Aircraft Certification International Policy Branch

AEU-100
15 Rue de la Loi (1st Floor)
B-1040 Brussels
Belgium

Telephone: 011-32-2-508-2710
Fax: 011-32-2-230-6899

Aircraft Engineering Division

AIR-100
800 Independence Avenue, SW
Washington, DC 20591

Telephone: 1-202-267-9580
Fax: 1-202-267-5340

Production & Airworthiness Division

AIR-200
800 Independence Avenue, SW
Washington, DC 20591

Telephone: 1-202-267-8361
Fax: 1-202-267-5580

FAA Headquarters - Environmental Policy and Regulations

Office of Environment and Energy

AEE-1
800 Independence Avenue, SW
Washington, DC 20591

Telephone: 1-202-267-3576
Fax: 1-202-267-5594

FAA Headquarters – Administrative Coordination

Assistant Administrator for International Aviation

API-1

Room 600E

c/o Wilbur Wright Building

800 Independence Ave., SW

Washington, DC 20591

Telephone: 1-202-385-8857

Fax: 1-202-267-5032

FAA Mike Monroney Aeronautical Center - Contact Point for FAA Airworthiness Directives

Mailing Address

Delegation and Airworthiness

Programs Branch

AIR-140

P.O. Box 26460

Oklahoma City, OK 73125

Telephone: 1-405-954-4103

Fax: 1-405-954-4104

Office Address

Delegation and Airworthiness

Programs Branch

AIR-140

ARB, Room 304

6500 S. MacArthur Blvd.

Oklahoma City, OK 73169

FAA Aircraft Certification Service Directorates

Engine and Propeller Directorate

ANE-100

Regulatory and policy responsibility for all aircraft engines, propellers, and auxiliary power units.

12 New England Executive Park

Burlington, MA 01803

Telephone: 1-781-238-7100

Fax: 1-781-238-7199

Rotorcraft Directorate

ASW-100

Regulatory and policy responsibility for normal and transport category rotorcraft.

2601 Meacham Blvd.

Fort Worth, TX 76137-4298

Telephone: 1-817-222-5100

Fax: 1-817-222-5959

Small Airplane Directorate

ACE-100

Regulatory and policy responsibility for:

1. Airplanes weighing less than 12,500 pounds and having passenger configurations of 9 seats or less,
2. Commuter airplanes weighing 19,000 pounds or less, with passenger configurations of 19 seats or less, and
3. Gliders, airships, manned free balloons, and VLA.

901 Locust

Room 301

Kansas City, MO 64106-2641

Telephone: 1-816-329-4100

Fax: 1-816-329-4106

Transport Airplane Directorate

ANM-100

Regulatory and policy responsibility for all transport category airplanes.

1601 Lind Avenue, SW

Renton, WA 98055-4056

Telephone: 1-425-227-2104

Fax: 1-425-227-1100

FAA Manufacturing Inspection Offices

Engine and Propeller Directorate Manufacturing Inspection Office

For the States of: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

ANE-180

12 New England Executive Park

Burlington, MA 01803

Telephone: 1-781-238-7180

Fax: 1-781-238-7199

Rotorcraft Directorate Manufacturing Inspection Office

For the States of: Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

ASW-180

2601 Meacham Blvd.

Fort Worth, TX 76137-4298

Telephone: 1-817-222-5180

Fax: 1-817-222-5136

Small Airplane Directorate Manufacturing Inspection Office

For the States of: Alabama, Alaska, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, Ohio, South Carolina, South Dakota, Tennessee, and Wisconsin.

ACE-180

901 Locust
Room 301
Kansas City, MO 64106-2641

Telephone: 1-816-329-4180
Fax: 1-816-329-4157

Transport Airplane Directorate Manufacturing Inspection Office

For the States of: Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming.

ANM-108

1601 Lind Avenue, SW
Renton, WA 98055-4056

Telephone: 1-425-227-2108
Fax: 1-425-227-1320

FAA Aircraft Certification Offices

Boston Aircraft Certification Office

ANE-150
12 New England Executive Park
Burlington, MA 01803

Telephone: 1-781-238-7150
Fax: 1-781-238-7199

Boston Engine Certification Office

ANE-140
12 New England Executive Park
Burlington, MA 01803

Telephone: 1-781-238-7140
Fax: 1-781-238-7199

New York Aircraft Certification Office

ANE-170
1600 Stewart Avenue
Suite 410
Westbury, NY 11590

Telephone: 1-516-228-7300
Fax: 1-516-794-5531

Atlanta Aircraft Certification Office

ACE-115A
One Crown Center
1895 Phoenix Boulevard, Suite 450
Atlanta, GA 30349

Telephone: 1-770-703-6035
Fax: 1-770-703-6097

Chicago Aircraft Certification Office

ACE-115C
2300 East Devon Avenue
Room 323
Des Plaines, IL 60018

Telephone: 1-847-294-7357
Fax: 1-847-294-7834

Wichita Aircraft Certification Office

ACE-115W
1801 Airport Road
Room 100, Mid-Continent Airport
Wichita, KS 67209

Telephone: 1-316-946-4106
Fax: 1-316-946-4107

Anchorage Aircraft Certification Office

ACE-115N
222 West 8th Avenue,
Anchorage, AK 99513

Telephone: 1-907-271-2669
Fax: 1-907-271-6365

Seattle Aircraft Certification Office

ANM-100S
1801 Lind Avenue, SW
Renton, WA 98055-4056

Telephone: 1-425-917-6400
Fax: 1-425-917-6590

Denver Aircraft Certification Office

ANM-100D
Technical Operations Center (TOC)
26805 E. 68th Avenue, Room 214
Denver, CO 80249

Telephone: 1-303-342-1080
Fax: 1-303-342-1088

Los Angeles Aircraft Certification Office

ANM-100L
3960 Paramount Blvd.
Lakewood, CA 90712

Telephone: 1-562-627-5200
Fax: 1-562-627-5210

Fort Worth Airplane Certification Office

ASW-150
2601 Meacham Blvd.
Fort Worth, TX 76137-4298

Telephone: 1-817-222-5150
Fax: 1-817-222-5960

Fort Worth Rotorcraft Certification Office

ASW-170
2601 Meacham Blvd.
Fort Worth, TX 76137-4298

Telephone: 1-817-222-5170
Fax: 1-817-222-5960

Fort Worth Special Certification Office

ASW-190
2601 Meacham Blvd.
Fort Worth, TX 76137-4298

Telephone: 1-817-222-5189
Fax: 1-817-222-5136

APPENDIX B

List of Addresses for National Agency of Civil Aviation (ANAC)

ANAC Offices

Aeronautical Products Certification Branch

GGCP

CTA-IFI Building

Praça Marechal Eduardo Gomes, No. 50

Vila das Acácias

12231-970 São José dos Campos, SP

Brazil

Telephone: 55-12-3941-4600 (Head)

55-12-3911-3557 (Programs Branch)

55-12-3911-3034 (Engineering Branch)

55-12-3911-3832 (Inspection & Production Branch)

55-12-3913-6131 (Regulations Branch)

Fax: 55-12-3941-4766

Superintendence of Flight Safety

SSO

Rua Santa Luzia, 651 - 3° Andar

20030-040 Rio de Janeiro, RJ

Brazil

Telephone: 55-21-3814-6705

Fax: 55-21-3814-6893

APPENDIX C

List of Referenced Documents and Forms

FAA Referenced Documents and Forms

1. *Code of Federal Regulations*, Title 14, Parts 21-36, 39, 43, 45, 91, and 183
2. FAA Advisory Circular 21-23, *Airworthiness Certification of Civil Aircraft, Engines, Propellers, and Related Products Imported into the United States*
3. FAA Order 8110.4, *Type Certification*
4. FAA Order 8130.2, *Airworthiness Certification of Aircraft and Related Products*
5. FAA Order 8130.21, *Procedures for Completion and Use of the Authorized Release Certificate, FAA Form 8130-3, Airworthiness Approval Tag*
6. FAA Advisory Circular 21-2, *Export Airworthiness Approval Procedures*
7. ICAO Annex 8, *Airworthiness of Aircraft*
8. FAA Order 8120.2, *Production Approval and Certificate Management Procedures*
9. FAA Order 8100.7, *Aircraft Certification Systems Evaluation Program*
10. FAA Advisory Circular 21-20, *Supplier Surveillance Procedures*
11. FAA Advisory Circular, 21-1, *Production Certificates*
12. *Authorized Release Certificate, FAA Form 8130-3, Airworthiness Approval Tag*
13. FAA Form 8130-4, *Export Certificate of Airworthiness*
14. FAA Form 8120-10, *Request for Conformity*
15. FAA Order 8150.1, *Technical Standard Order Program*

ANAC Referenced Documents and Forms

1. Regulamentos Brasileiros de Homologação Aeronáutica (RBHA) 21, 22, 23, 25, 26, 27, 29, 31, 33, 34, 35, and 36,
2. ANAC Information Circular CI 21-010, *CTA Procedures for Approval of Imported Civil Aeronautical Products*.
3. ANAC MPH-100, *Airworthiness Certification Procedures Manual*
4. ANAC MPH-300, *Production Approval Procedures Manual*
5. ANAC Form SEGVÔO 003 *Authorized Release Certificate (Airworthiness Approval Tag)*
6. ANAC Form F-200-06 (former FDH-200-10), *Report of Compliance of Aircraft or Other Aeronautical Products with the RBHA*
7. ANAC Form F-100-12, *Export Certificate of Airworthiness*
8. ANAC Form F-200-14, *Request for Conformity*
9. ANAC Form F-200-15, *Request for Test Witnessing*

APPENDIX D

List of Special Arrangements

1. Name of Special Arrangement:

Date of Issue:

2. Name of Special Arrangement:

Date of Issue:

3. Name of Special Arrangement:

Date of Issue: