

MEMORANDUM OF UNDERSTANDING

BETWEEN

FEDERAL OFFICE OF CIVIL AVIATION OF SWITZERLAND

AND

AGÊNCIA NACIONAL DE AVIAÇÃO CIVIL, BRAZIL

FOR

PROMOTION OF CIVIL AVIATION SAFETY

**MEMORANDUM OF UNDERSTANDING
BETWEEN
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FOR
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The Federal Office of Civil Aviation (FOCA) of Switzerland and the Agência Nacional de Aviação Civil (ANAC) of the Federative Republic of Brazil (the Participants),

Desiring to promote aviation safety and environmental quality and compatibility and facilitate the exchange of civil aeronautical products;

Noting common concerns for the safe operation of civil aircraft;

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

Desiring to enhance cooperation and increase efficiency in matters relating to civil aviation and its safety;

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

Recognising that the standards and systems for airworthiness approvals and environmental certification or acceptance of civil aeronautical products are sufficiently similar to make this Memorandum practicable;

Recognising the mutual benefit of improved procedures for the reciprocal acceptance of approvals and testing as regards airworthiness, environmental protection, aircraft maintenance facilities, and continuing airworthiness;



Recognising that any such reciprocal acceptance needs to offer an assurance of conformity with applicable technical regulations or standards equivalent to the assurance offered by a Participant's own procedures;

Recognising that any such reciprocal acceptance also requires confidence by each Participant in the continued reliability of the other Participant's conformity assessments;

Recognising the respective commitments of the Participants under bilateral, regional, and multilateral agreements and arrangements dealing with civil aviation safety and environmental compatibility;

Considering the *Agreement between the Swiss Confederation and the European Community on Air Transport*, signed on 21 June 1999;

Considering the full participation of Switzerland in the Management Board of the European Union Aviation Safety Agency (hereinafter referred to as "EASA") based on Decision 3/2006 of 27 October 2006 of the Community/Switzerland Air Transport Committee;

Considering the *Agreement between the Government of the Federative Republic of Brazil and the European Union on Civil Aviation Safety*, signed on 14 July 2010 (the Agreement);

Anticipating the mutual benefits of concluding a similar agreement on Civil Aviation Safety between FOCA and ANAC;

Considering the mutual benefits of concluding a corresponding agreement on Civil Aviation Safety between FOCA and ANAC, based on application mutatis mutandis of the provisions of the Agreement, which is adopted by incorporation in this Memorandum, including the coordination of any decisions taken and meetings held by bodies established by these agreements, where appropriate;

Have reached the following understanding:



ARTICLE I

PURPOSE OF THIS MEMORANDUM

1. To recognise the mutual benefits of entering into an agreement which will reflect the technical elements related to aviation safety contained in the Agreement;
2. To facilitate the recognition and the acceptance by each Participant of the other Participant's approvals and testing as regards, airworthiness, environmental protection, aircraft maintenance facilities, continuing airworthiness, and other areas covered by the Agreement identified in Article II; and
3. To provide for cooperation in sustaining an equivalent level of safety and environmental objectives with respect to aviation safety.

ARTICLE II

PRINCIPLES

1. The Participants concur that similar technical elements related to aviation safety as those contained in the Agreement on Civil Aviation Safety between the Federative Republic of Brazil and the European Community signed on July 14th, 2010, attached, adopted by incorporation to this Memorandum, as well as its Implementation Procedures, will be administratively applied by the Participants, subject to the interpretations and procedures presented in the Annex I to this Memorandum.
 - 1.(a) Airworthiness and environmental certification of EASA aircraft under this Memorandum will follow the Technical Implementation Procedures – TIP established between ANAC and EASA under the Agreement. Non-EASA aircraft will be dealt with on a case-by-case basis between the ANAC and the FOCA.



- 1.(b) Maintenance organisation certification and monitoring under this Memorandum will follow the Maintenance Annex Guidance – MAG established between ANAC and EASA under the Agreement. The MAG is to be applied considering the provisions presented in the Annex I to this Memorandum. The FOCA recognises the EASA approvals for Brazilian based maintenance organisations issued in accordance with the Agreement.
2. Unless otherwise specified, this Memorandum will apply, on the one hand, to the territory of Switzerland and, on the other hand, to the territory of the Federative Republic of Brazil.
3. FOCA will take any measure necessary to ensure the timely application of all relevant EU aviation safety regulatory requirements in accordance with the procedures laid down in the *Agreement between the Swiss Confederation and the European Community on Air Transport*, signed on 21 June 1999.

ARTICLE III

DEFINITION

In order to apply this Memorandum, when the text of the Agreement, including its TIP and the MAG, refers to “Technical Agent”, it means for the purpose of this Memorandum, for the Federative Republic of Brazil, the ANAC and, for Switzerland, the EASA.

ARTICLE IV

ADDITIONAL UNDERSTANDINGS

Upon the incorporation into the *Agreement between the Swiss Confederation and the European Community on Air Transport*, signed on 21 June 1999, of legal acts extending the EASA’s competence to air operations, flight crew



licensing, and the approval of synthetic training devices, or any other areas, the Participants may decide on additional annexes to this Memorandum, including transitional arrangements, specific to each area in accordance with the procedure in Article X of this Memorandum.

ARTICLE V

EFFECT IN OTHER AGREEMENTS

Except where otherwise specified in future annexes or required by Switzerland's obligations under the *Agreement between the Swiss Confederation and the European Community on Air Transport*, signed on 21 June 1999, obligations contained in agreements concluded by either Participant with a third country will not have effect with regard to the other Participant in terms of acceptance of the results of conformity assessment procedures in or by the third country.

ARTICLE VI

COMPETENT AUTHORITIES

1. Competent authorities as regards design approvals,

for the Federative Republic of Brazil: the ANAC.
for Switzerland: the EASA.
2. Competent authorities as regards initial certification and oversight of Production Organisations,

for the Federative Republic of Brazil: the ANAC.
for Switzerland: the FOCA.
3. Competent authorities as regards initial certification and oversight of Maintenance Organisations,



for the Federative Republic of Brazil: the ANAC.
for Switzerland: the FOCA.

ARTICLE VII

DIFFERENCES OF INTERPRETATION OR APPLICATION

Any difference regarding the interpretation or application of this Memorandum will be resolved by consultation between the Participants.

ARTICLE VIII

CONSULTATION

1. Each Participant may at any time request a meeting with the other Participant for the purposes of consulting on any matter related to this Memorandum. The Participants will make all reasonable efforts to accommodate these requests.
2. The Participants agree that communications between themselves for the implementation of the Agreement shall be dealt with by the competent authorities according to Article VI of this Memorandum. In addition, FOCA accepts information from the Ministry of Foreign Affairs of the Federative Republic of Brazil and ANAC accepts information from the Federal Department of Foreign Affairs of Switzerland or from the European Commission, where applicable. Article 7 of the Agreement has to be interpreted accordingly.

ARTICLE IX

POINT OF CONTACT



The Participants designate as their respective address for contact:

1. For the ANAC:

1.(a) for subjects as regards design approvals and Production Organisations:

Superintendência de Aeronavegabilidade (SAR)

Setor Comercial Sul, Quadra 09, Torre A, Ed. Parque Cidade Corporate -
Lote C - Brasília, DF

CEP 70297-400

Phone: + 55 (61) 3314-4847

E-mail: air.agreements@anac.gov.br

Internet: www.anac.gov.br

1.(b) for subjects as regards Maintenance Organisations:

Superintendência de Padrões Operacionais (SPO)

Phone: + 55 (61) 3314-4846

E-mail: gtno.spo@anac.gov.br

Internet: www.anac.gov.br

2. For the FOCA:

Federal Office of Civil Aviation of Switzerland (FOCA)

Mühlestrasse 2, 3063 Ittigen

Postal address: 3003 Bern, Switzerland

Phone: +41 (0)31 325 80 39/40

Fax: +41 (0)31 325 80 32

E-mail: info@bazl.admin.ch

Internet: www.aviation.admin.ch



ARTICLE X
AMENDMENT

1. The Participants may amend in writing this Memorandum by mutual consent.
2. With the aim to ensure a coherent application of similar technical elements as those contained in the Agreement and this Memorandum, the Participants shall, immediately after amendments have been proposed to the Agreement, initiate a procedure with a view to identifying corresponding amendments that should be made, when possible, in this Memorandum and come into effect at the same time as the amendments to the Agreement.
3. An amendment to this Memorandum will come into effect on the date of the latest written notification by one Participant to the other Participant to that effect.

ARTICLE XI
WITHDRAWAL AND TERMINATION

1. Either Participant may terminate this Memorandum at any time upon six months' written notification to the other Participant, unless the notice of termination is withdrawn by mutual consent of the Participants before the expiry of the six months' notification period.
2. Following termination of this Memorandum, each Participant shall maintain the validity of any Airworthiness Approvals, Environmental Approvals, or certificates issued under this Memorandum prior to its termination subject to their continued compliance with that Participant's applicable laws and regulations.



ARTICLE XII

EFFECTIVE DATE AND SIGNATURE

1. This Memorandum will come into effect on the date of the last signature.
2. Upon entering into force, this Memorandum automatically revokes the previous version signed on 27 August 2018.

IN WITNESS WHEREOF, the undersigned, being duly authorized representatives of the respective Participants have signed the present Memorandum of Understanding in the English language.

FOR AGÊNCIA NACIONAL DE
AVIAÇÃO CIVIL - BRAZIL

FOR FEDERAL OFFICE OF CIVIL
AVIATION OF SWITZERLAND

Original Signed by

Original Signed by

Juliano Alcântara Noman

Christian Hegner

President Director

Director General

Date of signature: 29/10/2020

Date of signature: 25.11.2020

Annex I

**Approval of
Maintenance Organisations**

1. This Annex provides guidance for the initial approval, renewal and amendment of maintenance organisations certificates under this Memorandum.

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

(a) having a certificate/approval from that other Authority to perform maintenance functions; and

(b) adopting a Supplement to its maintenance organisation manual/exposition which shall, at a minimum, cover the Special Conditions established under Appendix B1 to Annex B, as amended from time to time, of the Agreement.

3. Interpretation for the ANAC-EASA Maintenance Annex Guidance - MAG

3.1. The ANAC and the FOCA have agreed that the most recent ANAC-EASA MAG provides the procedures for approval and monitoring of maintenance organisations under this Memorandum, considering that:

(i) RBAC 145 maintenance organisations located in Brazil approved under EASA Part-145 and meeting the requirements in ANAC-EASA MAG Section B are acceptable to the FOCA. All certification, renewal, and amendments to EASA Part-145 approvals carried out by the ANAC under the Agreement are considered to be acceptable to the FOCA. Maintenance organisation manuals and an EASA Supplement are acceptable to the FOCA once approved by the ANAC in accordance with the Agreement;



- (ii) Approved Maintenance Organisations (AMO) located in Switzerland approved in accordance with EASA Part-145 and meeting the requirements listed in Section C of the ANAC-EASA MAG are acceptable to the ANAC. The AMO's manuals and the ANAC Supplement are acceptable to the ANAC once approved by the FOCA in accordance with this Memorandum.

3.2 For the purposes of this Memorandum, the ANAC-EASA MAG will be applied as follows:

- (i) Approved Maintenance Organisations include FOCA approved AMOs located in Switzerland;
- (ii) The functions of the "Aviation Authority" or "NAA" will be carried out by the FOCA;
- (iii) References to the jurisdiction of an EU Member State is to be read as jurisdiction of Switzerland.

3.3 EASA Verification of Compliance with ANAC Special Conditions

3.3.1 The Participants will recognise the results of the EASA monitoring of FOCA's compliance with the terms and procedures of the ANAC-EASA Maintenance Annex Guidance, including ANAC Special Conditions, as implemented under this Memorandum, where EASA has agreed with FOCA to perform such monitoring.

3.3.2 For the purpose of the monitoring referred to in 3.3.1, the Participants will expect EASA to use the report template contained in Section A, Part V, Appendix 6 ("Visit Report Member State NAA") from ANAC-EASA Maintenance Annex Guidance.



3.4 ANAC Sampling Inspection System in EU (SIS)

3.4.1 ANAC Sampling Inspection System visits in EU will be expanded to include FOCA and Approved Maintenance Organisations holding a RBAC 145 Approval in Switzerland. Procedures of MAG Section A, Part II, item 5 will be applied to those visits and the Participants will inform EASA accordingly.

3.5 EASA Sampling Inspection System in Brazil (SIS)

3.5.1 EASA Sampling Inspection System visits in Brazil conducted in accordance with the Agreement and its MAG as well as the corresponding results are acceptable to the FOCA.

3.6. Section C: Approval process for Switzerland Based Maintenance Organisations

3.6.1 Application for Initial Approval, Continuation and Amendment shall be made by the applicant using the ANAC Form F-143-17, available at <https://sistemas.anac.gov.br/certificacao/Form/Form.asp>.

3.6.2 The following parts from the ANAC-EASA MAG, Section C, do not apply under this Memorandum:

- (i) Part I, Item 4.9;
- (ii) Part II, Item 4.6;
- (iii) Part III, Item 2.7.

3.6.3 For Initial Approval and Renewal, the applicant must submit the documentation containing the proof of payment of the applicable fee according to the instructions contained in the ANAC website: <https://www.anac.gov.br/assuntos/setor-regulado/aeronaves/how-to->



obtain-the-certification-of-foreign-maintenance-organization-in-brazil-
except-canada-and-eu-member-states

3.6.4 In Part I, Section “4 NAA/ANAC Actions”, item 4.1, FOCA shall send to ANAC Foreign 145 Group, in addition to the application form, the proof of payment of the fee for initial approval. In item 4.2, ANAC Foreign 145 Group upon receiving the documentation, shall notify the FOCA for continuation of the process.

3.6.5 In Part II, Section “4 NAA/ANAC Actions”, item 4.4, the FOCA shall send to ANAC Foreign 145 Group, in addition to the application form and approval letter, the proof of payment of the fee for renewal of approval.

3.6.6 ANAC shall notify the FOCA if the applicant has failed to make the fee payment within 60 days after receiving the documentation. In such cases, ANAC shall ask the FOCA to revoke the Supplement approval letter.

3.6.7 Appendix 2: Example ANAC Supplement. The first paragraph of the cover page should be amended to read as follows:

“Compliance with the FOCA Approved MOE together with the ANAC approved Supplement forms the basis by which an AMO can exercise the maintenance privileges under the ANAC - FOCA Memorandum of Understanding”.

3.6.8 Approval Letter Template. For the approval of the ANAC Supplement, the FOCA shall use the Approval Letter Template present in Form F-143-19 available at: <https://sistemas.anac.gov.br/certificacao/Form/Form.asp>.

