



**RESOLUTION No. 440 OF AUGUST 9, 2017.**

This Resolution establishes rules for the process of registration of air transport services.

**THE BOARD OF DIRECTORS OF THE NATIONAL CIVIL AVIATION AGENCY – ANAC**, in the exercise of the competency granted by article 11, item V of Law No. 11,182 of September 27, 2005, in view of the provisions of article 8, items X and XIX, article 47, item I, and article 48, § 1 of the aforementioned Law and considering process No. 00058.030584/2015-77, which was resolved and approved during the fifteenth Deliberative Meeting held on August 8, 2017,

**DECIDES TO:**

Article 1. Establish the rules for the process of registration of air transport services.

**CHAPTER I  
DEFINITIONS**

Article 2. For the purposes of this Resolution, the following definitions apply:

I – scheduled air service: public air transport service, offered to the general public and operated according to a planned and disclosed schedule or in such a regular way that constitutes an easily identifiable systematic series of flights;

II – non-scheduled air service: public air transport service not characterized as scheduled air service;

III – airline: legal entity providing air transport service, as a mere commercial operator of the service, being supported by a commercial agreement;

IV – air operator: legal entity that actually conducts the air operation;

V – flight stage: minimum unit, consisting of the airline designator code, flight number, airport of origin, airport of destination and date of operation, which identifies the provision of a given air transport service;

VI – flight: combination of one or more flight stages grouped by airline designator code and flight number, for a given period of time;

VII – registration: flight stage registered with ANAC by the air operator intending for commercial or operational flight, which complies with basic requirements under the terms of this Resolution;

VIII – operational capacity: capacity of the aerodrome to process aircraft, passengers, cargo, and mail, considering technical and safety conditions established; and

IX – operational condition: set of administrative measures used by the airport operator to establish deadlines, metrics, and methodology for allocating services requested by the air operator and other parties, requirements for compliance with regularity, if applicable, and system for disclosing administrative documents and allocated flights.

## CHAPTER II PREVIOUS REGISTRATION OF OPERATIONS

Article 3. Procedures for registration and the calendar of activities for each season will be established by ordinance issued by the competent Department.

Sole paragraph. By means of ordinance, ANAC may exempt non-scheduled air transport services from registration.

Article 4. The flight stage can only be registered with ANAC after prior agreement between the air operator, airport operators, and air navigation service providers involved, regarding the use of airport and aeronautical infrastructure required for the intended period.

§ 1 Operations involving airports declared by ANAC as coordinated or of interest, as defined in specific legislation, require prior allocation of the corresponding slots.

§ 2 The sales of scheduled air transport services depend on prior registration with ANAC. Under the responsibility of the air operator, sales of services beyond the current seasons are admitted and shall be adjusted before the seasons.

§ 3 Airlines with code sharing approved by ANAC are guaranteed the same sales rights in the case of services registered by the air operator.

§ 4 The current registration and operation shall conform with the grant. They shall also be in accordance with the technical-operational conditions of the air operator conducting the operation, as well as the airport operators receiving it, and the allocated airport and aeronautical infrastructures.

Article 5. Registration implies that air operators and airport operators meet technical, safety, grant-related, or other requirements, at any time.

Sole paragraph. If notified or upon identification of elements that prevent the start or continuation of operations, the air operator shall immediately update the registration.

Article 6. In addition to the provisions of this Resolution, the registration of operations by foreign air operators authorized to work and operate in the country shall observe Air Services Agreements, instruments of understanding, and international treaties.

### CHAPTER III AIRPORT INFRASTRUCTURE ALLOCATION PROCESS

Article 7. Airport operators shall publish their operational capacity regarding apron and terminal and operational conditions, according to a calendar of activities, considering safety and certification regulations issued by ANAC.

Sole paragraph. Runway operational capacity and respective allocation rules established together with air navigation service providers shall be published by the airport operator.

Article 8. When allocating the infrastructure required by the air operator to conduct a stage of flight, the airport operator shall comply with the declared operational capacity, the operational conditions, and the principles of isonomy, transparency, and nondiscrimination.

§ 1 Allocated infrastructure which is not registered with ANAC, and operations in disagreement with previous allocation or started without agreement will be unilaterally released by the airport operator.

§ 2 Landing and take-off times of flight stages will be allocated in intervals of five minutes.

Article 9. In addition to capacities referred to in article 7 of this Resolution, the airport operator shall publish and keep updated the list of allocated services and the available capacity for service allocations.

Sole paragraph. The publication referred to in the head of this Article is optional for airport operators with a processed capacity of fewer than 15,000 (fifteen thousand) operations per year, according to data compiled in the previous year.

Article 10. For oversight purposes, airport operators shall keep a record of operations carried out at the airport available for five years, regardless of whether they have been registered with ANAC or not.

Article 11. ANAC will resolve conflicts between air operators and airport operators on an administrative basis.

Article 12. Ordinance issued by the competent Department will establish deadlines and ways to communicate about the airport infrastructure allocation process, as well as publications to be disclosed by the airport operator and defined in this chapter.

#### CHAPTER IV SANCTIONS

Article 13. Considering mitigating and aggravating circumstances, the following fines in Brazilian Reais (R\$) will be imposed to air operators if they intentionally:

	Mitigated	Regular	Aggravated
I - Offer air transport service without due registration or in disagreement with the valid registration.	4,000	5,000	6,000
II - Operate without registration or in disagreement with this Resolution.	4,000	5,000	6,000

§ 1 A multiplier factor '2' will be applied to infractions provided for in this article if infraction is committed with aircraft with a maximum take-off weight greater than 25 tons.

§ 2 If the maximum take-off weight is greater than 100 tons, a multiplier factor '3' shall be applied.

§ 3 After being notified, recurrent infractions are considered intentional.

Article 14. Considering mitigating and aggravating circumstances, the following fines in Brazilian Reais (R\$) will be imposed to airport operators if they intentionally:

	Mitigated	Regular	Aggravated
I - Fail to daily disclose capacity information according to deadline and criteria stipulated.	4,000	5,000	6,000
II - Fail to daily disclose operational conditions according to deadline and criteria stipulated.	4,000	5,000	6,000

III - Allocate infrastructure which does not comply with operational capacity or conditions per flight stage.	800	1,000	1,200
IV - Fail to daily disclose infrastructure availability according to deadline and criteria stipulated.	400	500	600
V - Fail to daily disclose the flights allocated according to deadline and criteria stipulated.	4,000	5,000	6,000
VI - Fail to comply with the principles of isonomy, transparency, or nondiscrimination towards air operators when allocating infrastructure, per flight stage.	800	1,000	1,200
VII - Fail to provide the registrations of operations carried out.	8,000	10,000	12,000

Sole paragraph. After being notified, recurrent infractions are considered intentional.

#### CHAPTER V FINAL AND TEMPORARY PROVISIONS

Article 15. This Resolution will apply to air transport services carried out from March 25, 2018, on.

Article 16. Ordinance No. 569/GC5, of September 5, 2000, published in the Official Gazette of September 6, 2000, Section 1, page 6, is declared inapplicable on March 25, 2018.

Article 17. This Resolution takes effect on the date of its publication.

Article 18. Publications to be revoked on March 25, 2018:

I - Civil Aviation Instruction 1223 (IAC 1223), entitled “Standards for the preparation and approval of Air Transport Schedule/HOTRAN - IAC 1223”;

II - Ordinance No. 033/DGAC, of January 19, 2000, published in the Official Gazette of February 4, 2000, Section 1, page 34, which approved IAC 1223;

III - Civil Aviation Instruction 1224 (IAC 1224), entitled “Standards for changes in scheduled flights and for non-scheduled flights”;

IV - Ordinance No. 34/DGAC, of January 19, 2000, published in the Official Gazette of February 4, 2000, Section 1, page 34, which approved IAC 1224;

V - Civil Aviation Instruction 1226 (IAC 1226), entitled “Basic procedures for the preparation and dispatch of HOTRAN (Air Transport Schedule)”, approved by IMA No. 28-54, of September 1, 1995;

VI - Civil Aviation Instruction 1227 (IAC 1227), entitled “Rules for authorization of domestic passenger charter flights”;

VII - Ordinance No. 1138/SPL, of July 31, 2001, published in the Official Gazette of August 10, 2001, Section 1, page 16, which approved IAC 1227;

VIII - Civil Aviation Instruction 1401 (IAC 1401), entitled “Rules for authorization of international cargo charter flights”, approved by IMA 58-43, of November 17, 1993;

IX - Civil Aviation Instruction 1402 (IAC 1402), entitled “Rules for authorization of international passenger charter flights”, approved by IMA 58-44, of December 20, 1993; and

X - Ordinance No. 692/DGAC, of October 20, 1999, published in the Official Gazette of December 13, 1999, Section 1, page 43.

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