

REVIEW 2020

Important regulation concerning civil aviation in 2020



MARCH

Circular Letter No. 4/2020/GTRC/GEAM/SAS-ANAC: Revision of rules for calculating the regularity index to obtain historic rights by airlines and avoid slot cancellations (arrival and departure times at coordinated airports).

Status: new rule extended in July/2020.

Provisional Measure No. 925/2020: Emergency measures for airline industry due to COVID-19, establishing rules for changes and refund of the airline tickets for flights up to 31.12.2020 and extension of deadlines for payment of airport concessions.

Status: Converted into Law No. 14,034/2020, on 06.08.2020, and rules re. ticket cancellation and refunds extended by Provisional Measure No. 1.024/2020

Decree No. 10,284/2020 and Ordinance No. 402/2020: extension of the expiration date of DECEA's air navigation fees.

ANAC Ordinance No. 880/2020: allows the transportation of cargo by air taxi operators and simplifies the transportation of biological cargo by air.

APRIL

ANAC Ordinance n° 879/2020: extends for 120 days the validity of the Annual Maintenance Inspection (IAM), the Airworthiness Condition Report (RCA) and the Airworthiness Certificate (CA).

ANAC Board of Directors Decision No. 71, of 14.04.2020: authorizes the exclusive transportation of cargo in the passenger cabin upon request and prior authorization to maximize its capacity for continuous delivery of products and essential inputs during the pandemic.

Status: extended up to 30 October 2021, pursuant to ANAC Resolution No. 600/2020.

MAY

ANAC Resolutions No. 556/2020 and 557/2020: exceptional simplification of the rules contained in ANAC Resolution No. 400/2016 on passenger rights during the pandemic.

Status: new rules extended until 30 October 2021.

JUNE

ANAC Resolution No. 563/2020: extends to the beginning of the pandemic the transportation rules simplification measures contained in Resolution No. 400/2020.

Status: new rules extended to 30.10.2021

National Council of Justice ("CNJ") Provision No. 103, of 04.06.2020: provides for National and International Electronic Travel Authorization for children and teenagers up to 16 (sixteen) years of age unaccompanied by both or one of their parents and contains other provisions.

Status: still under implementation study by CNJ, air operators and notaries.

JULY

Extension of the exceptional measure (Waiver) that grants the cancellation of slots for the winter season 2020 (W20) - 25/10/2020 and 27/03/2021.

AUGUST

ANAC's Decision of 04.08.2020: air taxi operators (non-regular operations), upon authorization, may sell individual seats for passengers.

Status: rule valid until 07.08.2022.

Law No. 14.034/2020, 05.08.2020: conversion of Provisional Measure No. 925/2020 into law, providing for emergency measures to support air transportation, as well as amending the provisions of the Brazilian Aeronautical Code (art. 251-A, 256 and 264) re. exclusion of liability of the air carrier and proof of moral damages claimed by passengers.

Status: As far as the new rules for the cancellation and refund of air tickets is concerned, they were extended for flights up to 31.10.2021, pursuant to Provisional Measure No. 1.024/2020.

Ordinance 884/GC3, of 27.08.2020: increased the scope of deferred payment, covering all airworthiness fees with original maturity between February and October 2020.

Anac authorizes tests for deliveries by drones.

ANAC Ordinance No. 2,177/2020: establishes procedures for the registration of public air transportation services.

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SEPTEMBER

ANAC Resolution No. 583: interruption for 180 days of the judgment of ongoing administrative proceedings that may result in the imposition of fines.

Approval of the 6th Round of Concessions for 22 Brazilian airports.

Status: auction minutes approved by the Federal Audit Court and published on 17/12/2020.

OCTOBER

Launch of the “SIMPLE FLIGHT” Program aiming to reduce bureaucracy and to simplify civil aviation procedures.

Status: for additional information, please click on: https://www.anac.gov.br/noticias/2020/imagens/principais-medidas-voo-simples_904.pdf

NOVEMBER

Authorization for Extraordinary Reviews of the Concession Agreements of the airports of Galeão (Rio de Janeiro), Porto Alegre, Fortaleza and Florianópolis and, later, of the airports of Guarulhos, Brasília and Salvador, seeking economic-financial balance for the parties.

ANAC Resolutions No. 293 and 309: allow for the use of foreign digital documents, exchange contracts and aircraft registration.

DECEMBER

Extension of the measures introduced by ANAC Resolution nº 556/2020: simplifies the rules for the air transportation of passengers more up to 30.10.2021.

Announcement of the auction of the 6th Round of Airport Concession. 22 airports distributed in three blocks (North, South and Central). The auction is scheduled for 07.04.2021.

Ordinance 280/DGCEA/2020: special conditions for installment payments (general rule) of air navigation fees.

Resolution ANAC No. 600/2020: standards to exceptionally allow the transportation of cargo in passenger compartments due to the COVID-19 pandemic.

Special Brazilian Civil Aviation Regulations - RBAC-E 94, section E94.505 - ANAC: simplifies the class 2 and 3 drone certification procedures.

Federal Ordinance No. 648/2020: exceptional and temporary restriction of entry into the country of foreigners of any nationality without negative COVID-19 test, in accordance with the recommendation of the National Health Agency - ANVISA.

Decree No. 10.589/2020: creation of “NAV Brasil”, to assume attributions related to air navigation, currently in charge of the Brazilian Airport Infrastructure Company (Infraero).

Provisional Measure No. 1,024/2020: extends the emergency measures the airline industry insofar the cancellation and refund of air tickets is concerned for flights up to 31.10.2021 and revokes the obligation to refund boarding fees within 7 (seven) days (§ 9 of Law No. 14,034/2020).

