# FURTHER WORKING ARRANGEMENT

# BETWEEN

# THE CIVIL AVIATION AUTHORITY, UNITED KINGDOM

# AND

# AGÊNCIA NACIONAL DE AVIAÇÃO CIVIL, BRAZIL

# ON

# THE CONTINUED VALIDITY OF VALIDATION PROJECTS

## 1. Introduction

### 1.1 Basis

The Working Arrangement between the National Civil Aviation Agency of Brazil (ANAC) and the Civil Aviation Authority (CAA) of the United Kingdom of Great Britain and Northern Ireland (UK) acknowledges the common desire for cooperation in promoting increasing efficiency in matters relating to civil aviation. ANAC and the CAA recognise the mutual benefit of having improved procedures that reduce the economic burden imposed on the aviation industry by removing redundant technical inspections, evaluations and testing.

### 1.2 Purpose

The purpose of this document is to establish procedures that allow for the continuity of validation services of design approvals between ANAC and CAA following the exit of the UK from the European Union (EU). Specifically, this document outlines each Participant's expectations and procedures in processing validation applications already received but whose approvals are pending with either the European Union Aviation Safety Agency (EASA) or ANAC as of 31 December 2020. Both ANAC and the CAA have committed, to the greatest extent practicable, to recognise the validation work and progress already accomplished by EASA. EASA ceased being the Technical Agent for the CAA after 31 December 2020, meaning that all UK State of Design functions were transferred back to the CAA as the sovereign authority for the UK on civil aviation.

### 1.3 Authorization

This Further Working Arrangement is established in accordance with Section 8 of the Technical Implementation Procedures for Airworthiness (TIP) between ANAC and CAA.

## 2. Definitions

2.1 UK Design Approval Holder (UK DAH) – A natural or legal person under the jurisdiction of the CAA who has a valid CAA design approval.

2.2 Brazilian Design Approval Holder (Brazilian DAH) – A natural or legal person under the jurisdiction of ANAC who has a valid ANAC design approval.

## 3. Validation Scenarios and Corresponding Procedures

3.1 ***Scenario 1***: EASA has issued a design approval to a UK DAH and an ANAC validation is in progress. The procedure for continued validation is:

a. ANAC will accept the prior application by EASA as an application already made by the CAA to ANAC on behalf of the UK DAH, and no re-submission to ANAC will be required;

b. the CAA will request all documentation associated with the original design approval from EASA or from the UK DAH;

a. The Brazilian applicant will apply for a CAA validation pursuant to the TIP, and provide the CAA with the same documentation and data package provided to EASA; and

b. Validation may be completed under one of the following alternatives:

(i) If the current EASA validation activity for that application will result in an EASA validation design approval issued no later than 31 December 2022, the Brazilian DAH may continue the validation in EASA, and the CAA will take into consideration the completion of the EASA validation activity and issuance of EASA design approval as a basis for the CAA to issue its own approval without further technical involvement by the CAA,

or

(ii) if the EASA validation will not be completed by 31 December 2022, or if the Brazilian DAH requests, prior to that date, the validation process may be continued by the CAA, and the CAA and ANAC will mutually recognise and accept all EASA and ANAC validation decisions made to date and continue to follow or maintain the EASA/ANAC project validation plan to the greatest extent practicable. ANAC and the CAA will follow the validation procedures in the TIP that are applicable to the remaining parts of the project.

## 4. Design Approval Holders in the UK – Other Considerations

4.1 In accordance with Annex 8 of the Chicago Convention (Convention for International Civil Aviation) the UK has been and continues to be the State of Design for all design approvals issued by EASA or the CAA to entities in the UK. However, upon the exit of the UK from the EU on 31 December 2020, EASA ceased to be the CAA's Technical Agent for the purposes of continued airworthiness. The responsibility for design approvals that were previously issued by EASA to UK DAHs, and validated by ANAC, have been transferred and the CAA will be considered the Certificating Authority in the context of the TIP.

4.2 The CAA will make all reasonable efforts to obtain all data associated with the original design approval from EASA and update ANAC on the progress of transfer of design approvals. If the CAA cannot obtain all the data required from EASA, it will request the data from the Design Approval Holder. No new certification or validation activities will be required for existing design approvals. The CAA will endeavour to provide ANAC with a list of certificates transferred from EASA to the CAA. Neither the CAA nor ANAC will reissue the design approvals solely to reflect this transfer of responsibilities.

## 5. Resolution of Disagreements.

Any disagreement regarding the interpretation or application of the procedures established in this document will be resolved through consultations between the ANAC and the CAA.

## 6. Date of Operation and Termination

c. ANAC and CAA will recognise and accept all EASA and ANAC validation decisions made to date and continue to follow or maintain the EASA/ANAC project validation plan to the greatest extent practicable; and

d. ANAC and the CAA will follow the validation procedures in the TIP that are applicable to the remaining activities of the project until ANAC issues its validation design approval.

3.2 ***Scenario 2***: EASA has not completed the certification process for a UK applicant as of 31 December 2020 and ANAC validation is in progress. The procedure for continued validation is:

a. ANAC will accept the prior application by EASA as an application already made by the CAA to ANAC on behalf of the UK applicant, and no re-submission to ANAC will be required;

b. the CAA will request from either EASA or the UK applicant all documentation associated with the application;

c. ANAC and the CAA will recognise and accept all EASA and ANAC validation decisions made to date and continue to follow or maintain the EASA/ANAC project validation plan to the greatest extent practicable; and

d. ANAC and the CAA will follow the validation procedures in the TIP that are applicable to the remaining activities of the project until ANAC issues its validation design approval.

3.3 ***Scenario 3***: ANAC has issued a design approval to a Brazilian DAH and EASA validation is in progress. The procedure for continued validation is:

a. The Brazilian DAH will apply for a CAA validation pursuant to the TIP, and provide the CAA with the same documentation and data package provided to EASA; and

b. Validation may be completed under one of the following alternatives:

(i) If the current EASA validation activity for that application will result in an EASA validation design approval issued no later than 31 December 2022, the Brazilian DAH may continue the validation in EASA, and the CAA will take into consideration the completion of the EASA validation activity and issuance of an EASA design approval as a basis for the CAA to issue its own approval without further technical involvement by the CAA,

or

(ii) if the EASA validation will not be completed by 31 December 2022, or if the Brazilian DAH requests, prior to that date, the validation process may be continued by the CAA, and the CAA and ANAC will mutually recognise and accept all EASA and ANAC validation decisions made to date and continue to follow or maintain the EASA/ANAC project validation plan to the greatest extent practicable. ANAC and the CAA will follow the validation procedures in the TIP that are applicable to the remaining parts of the project.

3.4 ***Scenario 4***: ANAC has not completed the certification process for a Brazilian applicant and EASA validation is in progress. The procedure for continued validation is:

6.1 This Further Working Arrangement will come into operation on the date it is signed by the duly authorised representatives of the CAA and ANAC. The participants understand that electronic signatures are equivalent to physical signatures in each of their jurisdictions.

6.2 Either Participant may terminate this Further Working Arrangement at any time by providing sixty (60) days' written notice to the other Participant.

6.3 In the absence of a termination described immediately above, this Further Working Arrangement will terminate on 1 January 2023.

SIGNED, in duplicate, at Brasilia and London on this, the [ 16th ] day of [ July ] 2021 in the English language.

| For the National Civil Aviation Agency of Brazil | | For the Civil Aviation Authority of the United Kingdom and Northern Ireland | |
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| 09 JULY 2021 | | 16 July 2021 | |
| Roberto José Silveira Honorato<br>Head of the Airworthiness Department | Date | Robert Bishton<br>Director of the Safety and Airspace Regulation Group | Date |