

MEMORANDUM OF UNDERSTANDING
BETWEEN
CIVIL AVIATION BUREAU, MINISTRY OF LAND, INFRASTRUCTURE,
TRANSPORT AND TOURISM, JAPAN
AND
NATIONAL CIVIL AVIATION AGENCY - BRAZIL
FOR
THE PROMOTION OF AVIATION SAFETY

The Civil Aviation Bureau, Ministry of Land, Infrastructure, Transport and Tourism, Japan and the National Civil Aviation Agency - Brazil hereinafter referred to as the Authorities:

- Desiring to promote aviation safety and environmental quality;
- Noting common concerns for the safe operation of civil aircraft;
- Recognizing the emerging trend toward multinational design, production, and interchange of 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;
- Recognizing that the standards and systems for airworthiness approvals, maintenance certifications and environmental testing, as well as for approval and monitoring of flight simulators, aircraft maintenance organizations, flight operations, and the certification and authorization of persons involved in aircraft maintenance and flight operations, are sufficiently similar to make Memorandum of Understanding practicable; and
- Recognizing the mutual benefits to be gained by developing procedures for the reciprocal acceptance of airworthiness and environmental approvals, environmental testing, and the development of reciprocal procedures related to the recognition of approval and monitoring of flight simulators, aircraft maintenance organizations, flight operations, and the certification and authorization of persons involved in aircraft maintenance and flight operations;

have reached the following understanding:

Article I. PURPOSE OF THIS MEMORANDUM

- A. To facilitate the recognition and the acceptance by each Authority of the other Authority's airworthiness approvals, environmental testing and approval, and maintenance certifications of aeronautical products;
- B. To facilitate the acceptance by each authority of the other Authority's approvals and monitoring of maintenance organizations, including the certification and authorization of persons involved in maintenance, and flight operations; and
- C. To provide for cooperation in sustaining an equivalent level of safety and environmental objectives with respect to aviation safety.

Article II. DEFINITIONS

- A. "Airworthiness approval" means a finding that the design or change to the design of an aeronautical product meets standards established by an Authority or that it conforms to a design or change to a design that has been found to meet those standards, and is in a condition for safe operation.
- B. "Aeronautical product" means any civil aircraft, or aircraft engine, propeller, appliance, part or component to be installed thereon.
- C. "Environmental approval" means the process by which an aeronautical product is evaluated for compliance with an Authority's laws, regulations, standards, and requirements concerning aircraft noise and aircraft engine emission.
- D. "Maintenance" means the performance of inspection, overhaul, repair, preservation, and the replacement of parts, materials, appliances, or components of a product to assure the continued airworthiness of that product, including the performance of approved modifications.
- E. "Modification" means making a change to the type design.
- F. "Flight simulator qualification evaluations" refers to the process by which a flight simulator is assessed by comparison to the aircraft it simulates in accordance with performance standards specified by an Authority.
- G. "Approval and monitoring of flight operations" means the process by which technical inspections and evaluations are conducted, by an Authority, of entities providing commercial air transportation of passengers or cargo and those entities which conduct support programs for such activities.

- H. "Monitoring" means the periodic surveillance by an Authority to determine continuing compliance with the appropriate standards.

Article III. TECHNICAL ASSESSMENT AND COOPERATION

- A. When both Authorities agree to find it necessary, they will conduct technical assessments and work cooperatively to develop an understanding of each other's standards and systems, mainly in, but not limited to, the following aviation sectors:
1. Airworthiness approvals and maintenance certification of aeronautical products;
 2. Environmental approval of aeronautical products with regard to aircraft noise and aircraft engine emission standards and testing procedures;
 3. Approval and monitoring of maintenance organizations;
 4. Approval of persons involved in maintenance, and flight operations;
 5. Approval and monitoring of flight operations; and
 6. Qualification evaluations and monitoring of flight simulators.
- B. When the Authorities agree that their standards, rules, practices, procedures, and systems in these areas are sufficiently equivalent or compatible to permit acceptance of findings of compliance made by one Authority for the other Authority to the agreed-upon standards, the Authorities will execute written Technical Arrangements describing the methods by which such reciprocal acceptance will be made with respect to individual aviation safety programs.
- C. The Technical Arrangements will include at a minimum:
1. Definitions;
 2. A description of the scope of the particular area of civil aviation to be addressed;
 3. Provisions for reciprocal acceptance of the each Authority actions such as test witnessing, inspections, qualifications, approvals, and certifications;
 4. Accountability;
 5. Provisions for mutual cooperation and technical assistance; and
 6. Provisions for periodic evaluations of the working relationship between the Authorities.

Article IV. DISPUTE RESOLUTION

Any disagreement regarding the interpretation or application of this Memorandum of Understanding (MoU) or of any of its Technical Arrangements will be resolved by consultation between the responsible sectorial Directors failing which the disagreement will be referred to the Director General/Director President for final resolution.

Article V. ENTRY INTO FORCE

- A. This Memorandum will enter into force upon signature of both Authorities and will remain in force until terminated by either Authority. Such termination will be effected by sixty days written notification to the other Authority. Such termination will also act to terminate all existing Technical Arrangements executed in accordance with this Memorandum.
- B. This Memorandum may be amended by the written agreement of the Authorities.
- C. A Technical Arrangement may be amended by the responsible Directors.
- D. Technical Arrangements may only be terminated by the Authorities. Such termination will be effected by sixty days written notification to the other Authority.
- E. This Memorandum, upon signature, shall replace the previous “Working Arrangement on Airworthiness for Embraer Aircraft ERJ-170/-190 between Civil Aviation Bureau – Japan and Department of Civil Aviation – Brazil”, in effect on October 2001.

Ryuhei Maeda

Director General
Civil Aviation Bureau,
Ministry of Land, Infrastructure,
Transport and Tourism - Japan

Solange Paiva Vieira

Director President
National Civil Aviation Agency - Brazil

Date: October 6, 2008

Date: September 8, 2008