

RELATÓRIO DE MISSÃO OFICIAL NO EXTERIOR



SF/17482.69149-25

Em conformidade com o Requerimento nº 00096, de 2017, autorizado pelo Presidente do Senado Federal, em 29 de março de 2017.

Membros:

Senador Vicentinho Alves (Presidente da COAERO)

Senador José Maranhão (Relator do PLS nº 258/2016)

1. Objetivos da missão oficial no exterior

A missão oficial objeto do Requerimento nº 00096/2017 teve como propósito a representação do Senado Federal, pelos Senadores José Maranhão (Relator do PLS nº 258/2016) e Vicentinho Alves (Presidente da COAERO), na Exposição Internacional Sun ‘n Fun, evento realizado em Lakeland, Estado da Flórida, Estados Unidos, no período de 04 a 09 de abril do corrente ano.

O objetivo principal da missão consistiu na realização de reuniões entre os parlamentares supracitados e especialistas americanos, buscando viabilizar intercâmbio de experiências no tocante à legislação aeronáutica e contribuir para a construção do parecer do Projeto de Lei do Senado Federal nº 258/2016, que trata do novo Código Brasileiro de Aeronáutica.

Durante a viagem, os parlamentares contaram com a valiosa colaboração dos servidores Nara do Carmo Lima Ferreira, matrícula 54292, e Rafael Dutra Drumond, matrícula 309075.

2. Das diligências realizadas

Na tarde de quarta-feira, 05 de abril de 2017, os parlamentares se reuniram, durante o evento Sun’n Fun, com os especialistas americanos em legislação aeronáutica, Patrick Phillips (Vice-Presidente do Conselho Consultivo Legal da EAA - *Experimental Aviation Association*; membro da Comissão de Educação da Associação da Força Aérea dos EUA; e membro do Comitê de Relações Governamentais da EAA) e Alan Farkas (Presidente do Conselho Consultivo Legal da EAA).

Durante o encontro, foram debatidas as diferenças entre as legislações aeronáuticas do Brasil e dos Estados Unidos, o papel das agências



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reguladoras e a regulamentação do setor, especialmente da aviação esportiva e experimental, que está em grande expansão no Brasil e ainda carece de mudanças normativas que possam estimular essas modalidades com segurança em nosso país. A regulamentação da aviação esportiva e experimental nos Estados Unidos é moderna e favorece o desenvolvimento dessas práticas, razão pela qual pode servir de parâmetro para o aprimoramento do PLS nº 258/2016.

Os Senadores foram informados pelos especialistas que a FAA – *Federal Aviation Administration* (Agência Federal de Aviação dos Estados Unidos) estabelece diretrizes a serem observadas por pilotos e aviadores a partir de uma legislação bem menos restritiva do que a brasileira atualmente em vigor.



Senador José Maranhão, Alan Farkas, Senador Vicentinho Alves e Patrick Phillips.

Os especialistas apresentaram aos parlamentares os documentos pelos quais a FAA presta orientações ao público aeronáutico: *Advisory Circular – AC* (Circular Consultiva). Corroborando as informações prestadas durante a

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reunião, analisando-se as Circulares referidas, verifica-se que a FAA busca fornecer ao público alvo diretrizes sobre os variados temas ligados à aeronáutica. Por exemplo, conforme consta na *Advisory Circular nº 65-23-A*, que trata sobre a certificação de construtores de aeronaves experimentais, esta propõe uma maneira para se cumprir a os regulamentos gerais, sem, no entanto, impor uma maneira única, o que demonstra uma flexibilidade da regulamentação.

Entre as informações pontuais prestadas pelos especialistas, destacou-se a de que o voo visual, fora de aerovias, é desregulamentado nos Estados Unidos, não havendo obrigação de desenvolvimento de plano de voo previamente aprovado. Somente voos por instrumentos ensejam a obrigação de apresentação de planos de voos aprovados pelos órgãos de controle de tráfego aéreo, dentro de aerovias ou fora delas.

Registre-se que, após a conclusão da missão oficial, os parlamentares e as autoridades aeronáuticas americanas mantiveram contato buscando fortalecer o intercâmbio de informações que possam auxiliar na conclusão do novo Código Brasileiro de Aeronáutica. Seguem transcrições dos e-mails pelos quais a comunicação posterior se materializou:

Mensagem de Alan Farkas para os parlamentares:

De: Farkas, Alan [<mailto:AFarkas@salawus.com>]

Enviada em: quinta-feira, 13 de abril de 2017 17:57

Para: Sen. José Maranhão (institucional) <jose.maranhao@senador.leg.br>;
Sen. Vicentinho Alves <vicentinho.alves@senador.leg.br>

Cc: 'pat.phillips@patphillipslaw.com' <pat.phillips@patphillipslaw.com>;
Nara do Carmo Lima Ferreira <lima@senado.leg.br>

Assunto: Sun N Fun Meeting

Dear Senators Maranhao and Alves,

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Pat Phillips and I enjoyed getting to know you and learn about your efforts to modernize the Brazilian aviation laws. We hope you enjoyed your visit to Lakeland and Sun N Fun. As you continue with your efforts, please feel free to come back to us with any further questions or concerns that develop. We share a passion for aviation and we will all benefit from the improvements that you envision.

Yours truly,

- Alan

Alan L. Farkas
Co-Chair
SmithAmundsen Aerospace
150 North Michigan Avenue, Suite 3300, Chicago, Illinois 60601
(Phone (312) 455-3800 | Fax (312) 997-1885 | * afarkas@salawus.com
| <http://www.salawus.com>

SmithAmundsen
 Aerospace

Mensagem dos parlamentares para as autoridades:

Dear Mr. Farkas and Mr. Phillips,

We would like to thank you for your hospitality and for taking your time to meet us in Lakeland earlier this month. More than enjoying the Fun N Sun Expo, and its amazing campus, we believe talking to both of you opened opportunities for us to strengthen our cooperation and broaden our understanding on how aviation laws function in the USA, especially Experimental Aviation - which is one of our main focus on the Aeronautics Code we are about to vote and update in Brazil.

As Senators, we believe that we should mirror those whose expertise and experience could help us improve our outdated legislation. As we come to our final efforts to present the Bill at the Senate's Committee, we might still have some few objective questions in the coming weeks, in order to subside our work on this issue.

Once again, we appreciated having met both of you, and having the chance to share some of our views on this great passion of ours: Aviation.

Most sincerely,

Senator José Maranhão

Senator Vicentinho Alves

Senado Federal
 Anexo I - CEP 70165-900
 Brasilia, Brazil.

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Mensagem de Patrick Phillips para os parlamentares:

De: R. Patrick Phillips [<mailto:pat.phillips@patphillipslaw.com>]

Enviada em: quinta-feira, 20 de abril de 2017 21:22

Para: Sen. José Maranhão (institucional) <jose.maranhao@senador.leg.br>; afarkas@salawus.com

Assunto: RE: Thank you note

Dear Senator,

It was a great pleasure and honor to meet with each of you and discuss ways of giving others the freedom to build and fly aircraft that originated from their own creative thoughts and skills. We look forward to answering any future questions you may have at any time. We also invite you to return to Sun 'n Fun next year and share with us your progress in changing your aviation laws.

Sincerely,

Pat

R. Patrick Phillips
Attorney at Law
200 N. Thornton Ave.
Orlando, FL 32801

Durante o evento, os parlamentares visitaram, entre outros, o stand da Embraer e da empresa brasileira Motorav, fabricante de motores de avião, sediada em Bacaiuva, município do Estado de Minas Gerais. Neste último, tiveram a oportunidade de reunir-se com o Gerente-Geral da Motorav, o piloto Carlos Augusto Rego.



Senador José Maranhão e Carlos Augusto Rego, Gerente-Geral da Motorav

3. Conclusão - Importância da missão para o PLS nº 258/2016

Na década de 1970, a aviação americana passou por uma revolução no seu sistema de regulação e por um consequente abrandamento do controle estatal no setor. Neste período, a aviação civil americana foi fortemente desregulamentada, tendo sido adotadas, por exemplo, medidas de flexibilização tarifária e liberalização de rotas.

Considerando os impactos positivos que a revolução supracitada trouxe para a aviação americana, tendo em vista a oportunidade levantada pelo Projeto de Lei do Senado Federal nº 258/2016 de modernizar a legislação brasileira sobre o tema e, assim, impulsionar a aviação no nosso país, faz-se premente a análise e o debate de tópicos da regulamentação aeronáutica americana que podem ser aproveitados e trazidos para a realidade nacional pelo novo Código Brasileiro de Aeronáutica, tais como a revisão da política tarifária e as exigências estatais para a prática da aviação esportiva e experimental.

Convictos do compromisso do Senado Federal com o desenvolvimento da aviação brasileira, convidamos todos os Senadores a participarem e enriquecerem o debate acerca da matéria tratada no PLS nº 258/2016.

Sala da Comissão,

, Presidente

, Relator



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SUN 'n FUN EXPO CAMPUS
4175 Medulla Rd. | Lakeland, FL 33811
P: 863.644.2431 | F: 863.644.9737



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April 4, 2017

To Whom It May Concern:

SUN 'n FUN Fly-In, Inc. is happy to extend an invitation to be a part of our SUN 'n FUN International Fly-In & Expo scheduled for April 4 – April 09, 2017 at Lakeland Linder Regional Airport in Lakeland, Florida, USA to:

Full Name: Senador Jose Maranhao
 Company/Organization: Brazilian Official
 Passport: FH 461260
 Issued: 02/26/2013
 Expires: 02/15/2018
 Date of Birth: 09/06/1933

This individual will be responsible for securing and paying for their own transportation, accommodations, meals, passes and other appropriate items.

SUN 'n FUN International Fly-In & Expo will feature more than 500 aviation vendors, daily workshops and forums, evening programs, daily air shows and much more. Our Florida Air Museum will also be open each day. For more information on our event, our museum and other programs, I encourage you to access our website: www.sun-n-fun.org. Thank you for your interest.

Sincerely,

 John R. Leenhouts
 President & CEO

www.flysnf.org




SUN 'n FUN EXPO CAMPUS

4175 Medulla Rd. | Lakeland, FL 33811

P: 863.644.2431 | F: 863.644.9737

April 4, 2017

To Whom It May Concern:

SUN 'n FUN Fly-In, Inc. is happy to extend an invitation to be a part of our SUN 'n FUN International Fly-In & Expo scheduled for April 4 – April 09, 2017 at Lakeland Linder Regional Airport in Lakeland, Florida, USA to:

Full Name: Senador Vicentinho Alves
 Company/Organization: Brazilian Official
 Passport: DB 046413
 Issued: 11/01/2016
 Expires: 07/31/2019
 Date of Birth: 10/01/1957

This individual will be responsible for securing and paying for their own transportation, accommodations, meals, passes and other appropriate items.

SUN 'n FUN International Fly-In & Expo will feature more than 500 aviation vendors, daily workshops and forums, evening programs, daily air shows and much more. Our Florida Air Museum will also be open each day. For more information on our event, our museum and other programs, I encourage you to access our website: www.sun-n-fun.org. Thank you for your interest.

Sincerely,

A handwritten signature in black ink, appearing to read "John R. Leenhouts".

John R. Leenhouts
 President & CEO

www.flysnf.org

A standard 1D barcode is located on the right margin of the page.

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Code of Federal Regulations

14

Parts 60 to 109

Revised as of January 1, 2010

Aeronautics and Space

Containing a codification of documents
of general applicability and future effect

As of January 1, 2010

With Ancillaries

Published by:

Office of the Federal Register
National Archives and Records
Administration

A Special Edition of the Federal Register

SF/17482.69149-25

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| | |
|---------------------------------|-----------------|
| Title 1 through Title 16..... | as of January 1 |
| Title 17 through Title 27 | as of April 1 |
| Title 28 through Title 41 | as of July 1 |
| Title 42 through Title 50..... | as of October 1 |

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- (b) The matter incorporated is in fact available to the extent necessary to afford fairness and uniformity in the administrative process.
- (c) The incorporating document is drafted and submitted for publication in accordance with 1 CFR part 51.

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RAYMOND A. MOSLEY,
Director,
Office of the Federal Register.
January 1, 2010.

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THIS TITLE

Title 14—AERONAUTICS AND SPACE is composed of five volumes. The parts in these volumes are arranged in the following order: parts 1–59, 60–109, 110–199, 200–1199, and part 1200–End. The first three volumes containing parts 1–199 are comprised of chapter I—Federal Aviation Administration, Department of Transportation (DOT). The fourth volume containing parts 200–1199 is comprised of chapter II—Office of the Secretary, DOT (Aviation Proceedings) and chapter III—Commercial Space Transportation, Federal Aviation Administration, DOT. The fifth volume containing part 1200–End is comprised of chapter V—National Aeronautics and Space Administration and chapter VI—Air Transportation System Stabilization. The contents of these volumes represent all current regulations codified under this title of the CFR as of January 1, 2010.

For this volume, Bonnie Fritts was Chief Editor. The Code of Federal Regulations publication program is under the direction of Michael L. White, assisted by Ani Worley.



U.S. Department
of Transportation
Federal Aviation
Administration

Advisory Circular

Subject: Certification of a Repairman
(Experimental Aircraft Builders)

Date: 9/28/07

AC No: 65-23A

Initiated by: AFS-300

Change: 1

- PURPOSE.** This advisory circular (AC) has been updated to reflect removal of outdated material.
- PRINCIPLE CHANGES.** This change updates and adds other related references.

PAGE CONTROL CHART

| Remove Pages | Dated | Insert Pages | Dated |
|---------------------|--------------|---------------------|--------------|
| 1 thru 4 | 07/22/87 | 1 thru 4 | 9/28/07 |

ORIGINAL SIGNED BY

James J. Ballough
Director, Flight Standards Service

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U.S. Department
of Transportation
Federal Aviation
Administration

Advisory Circular

SF1748269149-25

Subject: Certification of a Repairman
(Experimental Aircraft Builders)

Date: 9/28/07

AC No: 65-23A

Initiated by: AFS-300

Change: 1

1. PURPOSE.

- a. This advisory circular (AC) provides information to builders of experimental aircraft concerning repairman certification.
- b. This AC provides an acceptable means of complying with the regulations; however, it is not the only means of compliance. This AC is not mandatory and it does not constitute a regulation. When this AC uses mandatory language (e.g., "must" or "may not") it is paraphrasing a regulatory requirement or prohibition. When this AC uses permissive language (e.g., "should" or "may") it describes an acceptable means, but not the only means, of complying with regulations. However, if you use the means described to comply with a regulatory requirement, you must follow it in all respects.

2. REGULATIONS AND REFERENCES (current editions).

- a. Title 14 of the Code of Federal Regulations (14 CFR) part 21, §§ 21.171, 21.173, 21.175, 21.179, 21.181, 21.191, 21.193, and 21.195.
- b. 14 CFR part 43, appendix D.
- c. 14 CFR part 65, §§ 65.1, 65.12, 65.13, 65.14, 65.15, 65.16, 65.20, 65.21, and 65.104.
- d. 14 CFR part 91.
- e. Title 49 of the United States Code (U.S.C.) § 44703.
- f. AC 65-24, Certification of a Repairman (General).
- g. AC 65-32, Certification of Repairmen (Light-Sport Aircraft).
- h. FAA Order 8130.2F, Airworthiness Certification of Aircraft and Related Products.
- i. FAA Form 8130-12, Eligibility Statement Amateur-Built Aircraft.

3. BACKGROUND.

- a. Previously, experimental airworthiness certificates were affective for one year after the date of issuance or renewal, unless a shorter period was prescribed by the Administrator. Under the provisions of § 21.181(a)(4) experimental certificates issued to aircraft for the purpose of exhibition, air racing, or operating amateur-built aircraft have an unlimited duration unless the Administrator finds that a specific period should be established. Thus, performance of recertification inspections on these aircraft by Federal Aviation Administration (FAA) inspectors is no longer required. However, inspectors will continue to perform original certification inspections of amateur-built aircraft, amateur-built exhibition aircraft, and air racing aircraft.
- b. In conjunction with § 21.181(a)(4), § 65.104, Repairman Certificate—Experimental Aircraft Builder—Eligibility, Privileges, and Limitations, is used. This section provides that a qualified builder of an amateur-built aircraft may be certificated as a repairman and would be privileged to perform condition inspections in accordance with part 43, appendix D. However, aircraft manufacturing companies who produce experimental aircraft are not eligible for repairman certificates.
- c. When provided by the aircraft operating limitations, exhibition, air racing, and amateur-built aircraft may be inspected (condition inspections) by FAA-certificated mechanics holding an airframe and powerplant rating, or appropriately rated repair stations, in accordance with part 43, appendix D.

4. ELIGIBILITY. An individual desiring to be certificated as a repairman is required to:

- a. Complete an application for a repairman certificate (experimental aircraft builder) at the time of original certification of the aircraft along with FAA Form 8130-12 attesting to building more than 50 percent of the aircraft, which must be notarized.
- b. Be a U.S. citizen, or an individual of a foreign country, who has been admitted for permanent residence in the United States.
- c. Be 18 years of age or older and the primary builder of the aircraft. For example, when a school, club, or partnership builds an aircraft, only one individual will be considered for a repairman certificate for each aircraft built, such as the class instructor or designated project leader. This individual is considered the primary builder.
- d. Demonstrate to the certificating FAA inspector the ability to perform condition inspections and to determine whether the subject aircraft is in a condition for safe operation.
- e. Present satisfactory evidence of building the aircraft such as a construction logbook, pictures, or drawings to be eligible for the certificate.

NOTE: The eligibility requirements of § 65.104 are in no way associated with the eligibility requirements for a repairman shown in § 65.101, titled “Eligibility Requirements: General.”

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5. PRIVILEGES AND LIMITATIONS. Holders of repairman certificates (experimental aircraft builder) may perform "condition inspections" on specific aircraft built by the certificate holder. Consistent with § 65.104(b), the aircraft will be identified by make, model, and serial number as shown on the repairman certificate. During the aircraft certification procedure the FAA issues operating limitations, as necessary per § 91.319, to ensure an adequate level of safety. These limitations may require that the subject aircraft be inspected annually by a repairman (experimental aircraft builder), the holder of an FAA mechanic certificate with appropriate ratings (airframe and powerplant), or an appropriately rated FAA repair station. Condition inspections will be performed in accordance with the scope and detail of part 43, appendix D. Operating limitations will also require that an appropriate entry be made in the aircraft maintenance records to show performance of this inspection.

NOTE: It should be noted that the privileges and limitations of § 65.104 are not associated with the privileges and limitations of § 65.103, titled "Repairman Certificate: Privileges and Limitations."

6. APPLICATION.

a. Applicants may obtain copies of FAA Form 8610-2 (OMB 2120-0022), Airman Certificate and/or Rating Application, from their local Flight Standards District Office (FSDO) or online at http://www.faa.gov/licenses_certificates/. Applicants should complete sections I, III, and IV of this form and submit it to their local FSDO. See Appendix 1 for an example. The box for "Repairman" (at top of form) should be checked and the words "Experimental Aircraft Builder" should be printed or typed underneath in the space for "Specific Rating." Also, the four lines of information below, related to the subject amateur-built aircraft, should be printed or typed in the "Type of Work Performed" box of Item III.

Aircraft Make _____

Model _____

Serial No. _____

Certification Date of Aircraft _____

Applicants should read the Privacy Act statement attached to FAA Form 8610-2, prior to completing this form.

NOTE: In accordance with the FAA Drug Enforcement Assistance Act of 1988, all airmen must apply in person and present positive identification at the time of application to an FAA FSDO. Such identification must include an official photograph of the applicant, the applicant's signature, and the applicant's residential address, if different than the mailing address. The means used to identify the applicant must include a photograph, the applicant's signature, and the applicant's actual residential address, if different from the mailing address. Other acceptable types of identification include, but are not limited to, Government ID cards, passports, and other forms of identification that meet the requirements above.

b. When an applicant meets the certificate eligibility requirements, FAA Form 8060-4, Temporary Airman Certificates will be issued. Permanent certificates will be mailed to the holder of a Temporary Airman Certificate within 120 days of issuance.

7. SURRENDER CERTIFICATES PROCEDURES. Repairman certificates (experimental aircraft builder) should be surrendered whenever the aircraft is destroyed or sold. However, in the latter situation, the repairman may elect to retain the certificate in order to perform condition inspections on the aircraft for the new owner. Surrendered certificates should be forwarded to the Airmen Certification Branch, AFS-760, P.O. Box 25082, Oklahoma City, Oklahoma 73125, with a brief statement of the reason for surrender.

8. TYPICAL AIRCRAFT OPERATING LIMITATIONS. The following similarly worded aircraft operating limitations may be issued at the time of aircraft certification:

a. No person may operate this aircraft unless within the preceding 12 calendar-months it has had a condition inspection performed in accordance with part 43, appendix D, and is found to be in a condition safe for operation. Additionally, this inspection shall be recorded in accordance with the limitation in subparagraph d.

b. For amateur-built aircraft, only an FAA-certificated repairman (insert repairman's name), a mechanic holding an airframe and powerplant rating, or an appropriately rated repair station may perform condition inspections in accordance with part 43, appendix D.

c. For other exhibition and air racing aircraft, only FAA-certificated and rated airframe and powerplant mechanics, or appropriately rated repair stations, may perform condition inspections in accordance with part 43, appendix D.

d. Condition inspections shall be recorded in the aircraft maintenance records showing the following, or a similarly worded, statement: "I certify that this aircraft has been inspected on (insert date) in accordance with the scope and detail of part 43, appendix D, and found to be in a condition safe for operation." The entry will include the total time in service, the name, signature, certificate type, and number of the person performing the inspection.



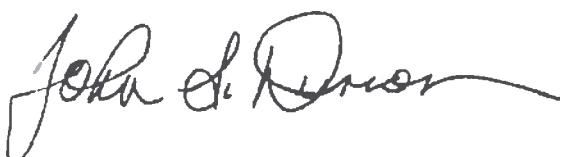
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This advisory circular (AC) provides suggestions and safety related recommendations primarily to assist amateur and ultralight builders in developing individualized aircraft flight-test plans. It also provides guidance for experimental light sport aircraft flight testing after modifications to the aircraft. It provides recommendations and suggestions you can combine with other sources on test flying, such as the aircraft plan/kit manufacturer's flight testing instructions and other flight testing data. This will help you develop a detailed flight-test plan, tailored for your aircraft and resources.

This AC attempts to make you aware that test flying an aircraft is a critical undertaking, which you should approach with thorough planning, skill, and common sense. The flight-test plan is the heart of all professional flight testing. The plan should account for every hour spent in the flight-test phase and you should adhere to it with the same respect for the unknown that all successful test pilots share. The time allotted for each phase of a personalized flight-test plan may vary, and each phase may have more events or checks than suggested in this AC, but your goals, should be the same. You should add flight-test operational and performance data to the aircraft's flight manual so you can reference the data prior to each flight.

This AC is not mandatory and does not constitute a regulation. This AC describes an acceptable means, but not the only means, to develop flight-test plans. However, if you use the means described in the AC, you must follow it in all important respects. This AC applies to amateur and ultralight builders, and individuals involved in flight testing those aircraft.



John S. Duncan
Director, Flight Standards Service



Advisory Circular

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Flight Testing Handbook

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