



ORDINANCE No. 12,307/SAS, OF AUGUST 25, 2023.

This Ordinance provides for the general conditions for the transport of animals, applicable to domestic and international air transport of passengers, in accordance with the provisions of article 15 of Resolution No. 400/2016.

THE HEAD OF THE DEPARTMENT OF AIR SERVICES, in the exercise of the competency granted by article 32, items I, II and VII of the Internal Regulation, approved by Resolution No. 381, of June 14, 2016, in view of the provisions of article 15 of Resolution No. 400, of December 14, 2016, and considering process No. 00058.011762/2023-71,

DECIDES TO:

Article 1. Provide general conditions for the transport of animals, applicable to domestic and international air transport of passengers, in accordance with the provisions of article 15 of Resolution No. 400/2016.

CHAPTER I
GENERAL PROVISIONS

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

I - Emotional support animal: non-aggressive companion animal that provides comfort and helps individuals to deal with aspects associated with emotional and mental health conditions.

II - Companion animal: non-aggressive companion animal that lives in a residence or adjacent facilities, and has a relationship of dependence, interaction, affection, or companionship with one or more individuals of the residence.

Article 3. The aircraft operator may transport companion animals or emotional support animals in the passenger cabin or in the baggage and cargo compartment of the aircraft, in accordance with the terms of the air transport contract.

Sole paragraph. The provisions of this Ordinance do not apply to animals transported as cargo under the terms of Resolution No. 139/ANAC, of March 9, 2010.

Article 4. The transport of animals in the passenger cabin or in the baggage and cargo compartment of the aircraft shall comply with specific safety and security regulations issued by ANAC.

CHAPTER II

OBLIGATIONS PRIOR TO AIR TRANSPORT CONTRACT EXECUTION

Article 5. The aircraft operator is allowed to determine the price charged for the transport of companion animals or emotional support animals.

Article 6. When offering services referred to in article 3, at the time of commercialization of the air transport contract, the aircraft operator shall provide clear information about the transport of companion animals or emotional support animals in the passenger cabin or in the baggage and cargo compartment of the aircraft. Information about applicable rules and restrictions shall also be provided, such as:

- I - weight allowance;
- II - quantity of items;
- III - species of animals allowed;
- IV - prices; and
- V - procedures for checking the animals in.

CHAPTER III

CHECK-IN AND AIR TRANSPORT CONTRACT EXECUTION

Article 7. When offering services referred to in article 3, the aircraft operator may deny or restrict the transport of companion animals or emotional support animals due to aircraft capacity, incompatibility with space available in the cabin, incompatibility with cabin crew capacity to give assistance during emergency situations or in cases of risk to the safety of operations.

Sole paragraph. In the event of denied boarding due to operational contingency, the aircraft operator shall ensure appropriate assistance to passenger and animal, pursuant to the terms of the air transport contract and civil aviation legislation.

Article 8. At check-in, the person responsible for the companion animal or emotional support animal to be transported shall present proof of compliance with sanitary and animal health requirements demanded by legislation.

Sole paragraph. Before boarding, the companion animal or emotional support animal shall undergo security inspection as provided for in Ordinance No. 1155/SIA/2015 or subsequent regulation.

Article 9. For the purposes of guaranteeing the safety of air operations and passengers, as well as health security in the cabin, the person responsible for the companion animal or emotional support animal shall fully comply with agreed contractual obligations, following instructions given by air transport personnel.

CHAPTER IV

OBLIGATIONS AFTER AIR TRANSPORT CONTRACT EXECUTION

Article 10. When offering services referred to in article 3, the aircraft operator may establish procedures for users to file claims related to the transportation of animals in the baggage and cargo compartment upon receipt of the animal at destination.

Article 11. In cases of injury to the companion animal or emotional support animal during transportation, the aircraft operator shall compensate the passenger in accordance with the provisions of Chapter III of Resolution No. 400/ANAC, of December 13, 2016.

CHAPTER V CUSTOMER SERVICE

Article 12. Procedures for assisting air transport users shall comply with the provisions of Chapter IV of Resolution No. 400/ANAC, of December 13, 2016.

CHAPTER VI FINAL AND TEMPORARY PROVISIONS

Article 13. Failure to comply with requirements applicable to the transport of animals authorizes the aircraft operator to deny boarding of the companion animal or emotional support animal.

Article 14. This Ordinance takes effect on October 2, 2023.

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