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Agência da Aviação Civil:

Conselho de Administração.

AGÊNCIA DA AVIAÇÃO CIVIL

Conselho de Administração

DELIBERAÇÃO N.º 11/2009

Ao abrigo do disposto no artigo 173.º do Código Aeronáutico (Decreto Legislativo n.º 1/2001, de 20 Agosto) e da alínea *a*) do n.º 2 do artigo 12 dos estatutos da Agência de Aviação Civil aprovado pelo Decreto Lei 24/2008, de 12 de Julho, o Conselho de Administração da AAC aprovou a 24 de Agosto a segunda edição da Parte 10 – Transporte Aéreo Comercial por Operadores Estrangeiros em Cabo Verde em versão inglesa.

Esta nova edição, que segue o novo sistema de numeração dos CV CAR, reflecte as últimas emendas ao Anexo 6 Parte I à Convenção sobre a aviação civil internacional.

Uma versão inglesa, não oficial, será publicada no site da AAC, em www.aac.cv.

Conselho de Administração da Agência da Aviação Civil, na Praia, aos 24 de Agosto de 2009. – O Presidente, *Carlos Brazão Monteiro*.

REGULAMENTOS DE AVIAÇÃO CIVIL

CV-CAR PART 10

COMMERCIAL AIR TRANSPORT
BY FOREIGN AIR OPERATORS WITHIN CAPE VERDE

10.A GENERAL

10.A.105 Applicability

- (a) This regulation prescribes requirements applicable to the operation of any civil aircraft, including aeroplane or helicopter, for the purpose of commercial air transportation operations by any air operator whose Air Operator Certificate is issued and controlled by a civil aviation authority other than Cape Verde.
- (b) This Part does not apply to aircraft when used by military, customs, and police services, which are not used for compensation or hire.

10.A.110 Definitions

- (a) For the purpose of Part 10, the following definitions shall apply:
- (1) **Aeroplane flight manual.** A manual, associated with the certificate of airworthiness, containing limitations within which the aeroplane is to be considered airworthy, and instructions and information necessary to the flight crew members of the safe operation of the aeroplane.
 - (2) **Air operator certificate.** A certificate authorizing an operator to carry out specified commercial air transport operations.
 - (3) **Aircraft operating manual.** A manual, acceptable to the State of the Operator, containing normal, abnormal and emergency procedures, checklists, limitations, performance information, details of the aircraft systems and other material relevant to the operation of the aircraft.
 - (4) **Foreign air operator.** Any operator, not being an air operator holding an Air Operator Certificate issued by Cape Verde under the provisions of ICAO Annex 6, Part I or Part III, which undertakes, whether directly or indirectly or by lease or any other arrangement, to engage in commercial air transport operations within borders or airspace of Cape Verde, whether on a scheduled or charter basis.
 - (5) **Foreign Authority.** The civil aviation authority that issues and oversees the Air Operator Certificate of the foreign operator.
 - (6) **Minimum equipment list.** A list which provides for the operation of aircraft, subject to specified conditions, with particular equipment inoperative, prepared by an operator in conformity with, or more restrictive than, the Master Minimum Equipment List (MMEL) established for the aircraft type.
 - (7) **Operations manual.** A manual containing procedures, instructions and guidance for use by operational personnel in the execution of their duties.
 - (8) **Rotorcraft flight manual.** A manual, associated with the certificate of airworthiness, containing limitations within which the rotorcraft is to be considered airworthy, and instructions and information necessary to the flight crew members of the safe operation of the rotorcraft.

10.A.115 Abbreviations

- (a) The following abbreviations are used in this Part:
- (1) AFM – Aeroplane Flight Manual;
 - (2) AOC – Air Operator Certificate;
 - (3) AOM – Aeroplane Operating Manual;
 - (4) MEL – Minimum Equipment List;
 - (5) RFM – Rotorcraft Flight Manual;

10.A.120 Compliance

- (a) A foreign air operator may not operate an aircraft in commercial air transportation operations in Cape Verde contrary to the requirements of:
- (1) Part 10;
 - (2) Applicable paragraphs of CV CAR Parts 7 and 8;
 - (3) Applicable economic regulations that may be issued by the Authority from time to time; and
 - (4) Applicable standards contained in the Annexes to the Convention on International Civil Aviation for the operation to be conducted; and
 - (5) Any other requirements that the Authority may specify.

10.A.125 Authority to inspect

- (a) A foreign air operator shall ensure that any person authorised by the Authority, will be permitted at any time, without prior notice, to board any aircraft operated for commercial air transportation to Cape Verde
- (1) to inspect the documents and manuals required by this Part;
 - (2) to conduct an inspection of the aircraft.

10.B AUTHORISATION OF FOREIGN AIR OPERATOR TO CONDUCT OPERATIONS TO CABO VERDE

10.B.100 General

- (a) All foreign air operators conducting air transport operations in Cape Verde shall do so under the terms and conditions of an AOC and associated Operations Specifications issued by the State of the Operator.
- (b) Pursuant to Article 11 of the ICAO Convention, each contracting State recognizes the other contracting States' right to regulate aircraft that operate in their airspace. Consequently, the foreign air operator must comply, where applicable, with the Cape Verde civil aviation law and regulations when operating within Cape Verde territory.
- (c) When evaluating an application by an operator from another State to operate within the territory of Cabo Verde, the Authority will examine both the safety oversight capabilities and record of the State of the Operator and, if different, the State of Registry.
- (d) In the case where bilateral or multilateral agreements have been established, authorizations should be granted on the basis of such an agreement rather than under this Part. Such agreements should consider the provisions outlined below and should include appropriate safety provisions.
- (e) Where no bilateral or multilateral agreement exists, an administrative review of the relevant documentation as detailed below should be performed. Authorization should be granted in the absence of any significant negative findings and or major deficiencies

10.B.200 AUTHORISATION PROCESS

10.B.205 Documentation required

- (a) Foreign air operators shall be required to submit the documentation below:
- (1) Air Operator Certificate and associated operations specifications;
 - (2) Hull, passenger, cargo and third party insurance certificates;
 - (3) In case of wet-lease of aircraft, approval of CAA of the State of the Operator, with identification of the operator that exercises operational control on the aircraft;
 - (4) The following aircraft related documents:
 - (i) Certificate of Registration;
 - (ii) Certificate of Airworthiness;
 - (iii) Radio station license.

- (5) Document authorizing the specific traffic rights, issued by the Authority appropriate department or resulting from a bilateral air transport agreement, if required, by Cape Verde.
- (6) Foreign air operator security program for approval by the Authority, in compliance with national security requirements;

10.B.210 Initial application

- (a) Applicants from a contracting State to the Chicago Convention shall apply for a foreign operator authorisation in the form and manner prescribed by the Authority.
- (b) Application requirements for applicants from a State that is not a contracting State to the Chicago Convention will be determined on a case-by-case basis.

10.B.215 Amendment to an existing authorisation

- (a) Applicants requesting an amendment to an existing authorisation (that is, a change in or addition to service, aircraft type, etc.) will be required to provide the following documentation:
 - (1) a copy of the relevant amended CAA authority, as applicable;
 - (2) a copy of the relevant CAA authority to operate the aircraft into Cape Verde, if amended;
 - (3) a completed Cape Verde Foreign Operator's application form;
 - (4) if the aircraft is leased, documentation as outlined in Subsection 10.B.205 a) 4 above;
 - (5) copies of any additional operations specifications relevant to the application and issued by the State of the Operator; and;
 - (6) any other information required by the Authority.

10.B.220 Recognition of licenses and certificates

- (a) The Authority will recognize as valid a certificate or license issued or rendered valid by another Contracting State, provided that the requirements under which the certificate or license was issued or rendered valid are at least equal to the applicable Standards specified in relevant ICAO Annexes.

10.B.225 Certificate of aircraft registry

- (a) When evaluating a new application by a foreign air operator the Authority will examine both the safety oversight capabilities and record of the State of the Operator and, if different, the State of Registry.
- (b) The evaluation shall consider:
 - (1) reports of audits of the operator in question conducted by independent internationally recognized aviation audit organizations and / or by other air operators, such as code-sharing partners;
 - (2) reports from the ICAO USOAP;
 - (3) any other inspection results.

10.B.230 Additional measures

- (a) Additional measures will be taken by the Authority if the initial review indicates significant deficiencies in the safety oversight system of the State of the Operator and, if different, the State of Registry or in the safety performance of the air operator.
- (b) The Authority may also request additional documentation from the air operator that could demonstrate that deficiencies have been rectified.
- (c) In case of unsatisfactory additional measures to rectify significant negative findings / major deficiencies, the application to operate by the foreign operator shall be denied and a letter forwarded to the State of the Operator and the State of Registry, if different, with a copy to the operator's management with details of the significant findings.

10.B.300 Aircraft Not Registered in the State of Operator

- (a) For those aircraft intended to be operated in Cabo Verde which are not registered by the State of Operator, Cape Verde CAA requires evidence of conformity with oversight responsibilities of the State of Registry and the State of the Operator for each aircraft so operated.

10.B.400 Issuance or Amendment to an Authorisation

- (a) Upon determination that the applicant has met all of the safety and regulatory requirements, the Authority will issue or amend the authorization and the conditions and limitations as applicable.

- (b) If the Authority decides to approve the service, it will issue an appropriate written authorisation to the operator. This document may include additional authorizations, conditions and limitations for elements not listed in the operator's AOC and its associated operations specifications but considered necessary for the safe operation within Cabo Verde territory.

- (c) Such authorizations, conditions and limitations should not conflict with the AOC and the operations specifications issued by the State of the Operator.

10.C SURVEILLANCE OF FOREIGN AIR OPERATORS

10.C.100 GENERAL

- (a) In order to maintain an authorisation to conduct air operations in Cabo Verde, issued by the Authority, foreign operators will be subject to appropriate surveillance,
- (b) In case any significant negative finding / major deficiency is encountered during this process, the Authority will take appropriate measures, to ensure significant negative findings / major deficiencies are rectified.
- (c) While the State of the Operator which issued the AOC has primary responsibility for overseeing the safety of operations of its certificate holders, the Authority undertakes, in accordance with Article 12 to the Convention, to ensure that every aircraft flying over or manoeuvring within its territory shall comply with ICAO and Cabo Verde requirements

10.C.200 inspections and notification of non-compliances

- (a) Ramp inspections will be chiefly concerned with the aircraft documents and manuals, flight crew licenses, the apparent condition of the aircraft, and the presence and condition of mandatory cabin safety equipment and security procedures.
- (b) Special-purpose inspections, based on risk assessment and focused on a particular air operator, may be conducted where previous inspections have indicated a high level of non-conformances to requirements by a particular air operator. In addition, reports from air traffic services, airport staff and/or incident reports may also result in a requirement for special-purpose inspections.
- (c) When a case of non-compliance or suspected non-compliance by a foreign operator with laws, regulations and procedures applicable within Cabo Verde territory, or a similar serious safety or security issue with that operator is identified, the Authority will immediately notify the air operator in question, and if the issue warrants it, the State of the Operator.
- (d) Where the State of the Operator and the State of Registry are different, such notification shall also be made to the State of Registry, if the issue falls within the responsibilities of that State and warrants a notification.
- (e) The notification shall advise of the safety deficiency or observation and request remedial action or comment as appropriate. If a response is not received from the air operator within thirty days then the foreign CAA should be contacted directly and requested to ensure that corrective action has been taken to rectify the situation.
- (f) In the case of notification to States as specified in (e), if the issue and its resolution warrant it, the Authority will engage in consultations with the State of the Operator and the State of Registry, as applicable, concerning the safety standards maintained by the operator.
- (g) In accordance with Article 16 of the Chicago Convention, Authority inspections will not normally cause a delay to a particular flight to complete a ramp inspection.
- (h) Delays may be unavoidable where the aircraft has sustained damage and a determination of airworthiness has to be made. In such case the Authority may prevent a damaged foreign aircraft from resuming its flight operation on the condition that the Authority will advise the State of Registry, with all necessary details to allow the State of Registry to judge whether the damage sustained is of a nature such that the aircraft is no longer airworthy. In such case the State of Registry shall prohibit the aircraft from resuming flight until it is restored to an airworthy condition.
- (i) The State of Registry may, however, in exceptional circumstances, prescribe particular limiting conditions to permit the aircraft to fly without fare-paying passengers to an aerodrome at which it will be restored to an airworthy condition, and the Authority shall permit such flight.

- (j) When the State of Registry considers that the damage sustained is of a nature such that the aircraft is still airworthy, the aircraft shall be allowed to resume its flight

4.C.300 SHARING OF SAFETY and INFORMATION

- (a) The Authority will share relevant safety findings regarding a foreign operator with other Contracting States.

10.D Action on Findings – Resolution of Safety Issues

10.D.100 GENERAL

- (a) After a ramp inspection of a foreign air operator, action resulting from findings will depend on the seriousness of the safety finding. Specific action may also be needed where the State of Registry of the aircraft is different from the State of the Operator.
- (b) Should a foreign air operator not resolve a major finding in a timely manner then Authority will consider revocation of the authorisation to operate to Cape Verde.

10.E DOCUMENTS

10.E.100 FOREIGN AIR OPERATOR'S AIRCRAFT TECHNICAL LOG

- (a) A foreign air operator shall use an aircraft technical log system containing the following information for each aircraft—
- (1) Information about each flight necessary to ensure continued flight safety;
 - (2) The current aircraft certificate of release to service;
 - (3) The current maintenance statement giving the aircraft maintenance status of what scheduled and out of phase maintenance is next due, unless the Authority agrees to the maintenance statement being kept elsewhere;
 - (4) All outstanding deferred defects that affect the operation of the aircraft, and
 - (5) Any necessary guidance instructions on maintenance support.

10.E.200 AIR OPERATOR MANUALS, DOCUMENTS AND FLIGHT CREW LICENCES TO BE CARRIED

- (a) A foreign air operator shall ensure that the following manuals, documents and licenses are carried on flights into Cape Verde —
- (1) A certified true copy of the air operator certificate and a copy of the authorizations, conditions and limitations relevant to the aircraft type, issued in conjunction with the certificate – all of which shall be in the English language;
 - (2) Copy of the applicable authorization required under this Part;
 - (3) The current parts of the Operations Manual relevant to the duties of the crew are carried on each flight;
 - (4) Those parts of the Operations Manual which are required for the conduct of a flight are easily accessible to the crew on board the aircraft on each flight, such as the MEL; and
 - (5) The current AFM or RFM approved by the State of Registry, or AOM approved by the State of Operator is carried on the aircraft on each flight. The AFM or RFM shall be updated by implementing changes made mandatory by the State of Registry received from the State of Design.
 - (6) The current certificate of registration, and airworthiness certificate in force in respect of that aircraft;
 - (7) The appropriate licenses of the members of the flight crew;
 - (8) Appropriate approval/license of crewmembers for aircraft radio operation.

10.E.300 ADDITIONAL INFORMATION AND FORMS TO BE CARRIED

- (a) A foreign air operator shall ensure that, in addition to the documents and manuals prescribed in 10.E.100 and 10.E.200, the following information and forms, relevant to the type and area of operation, are carried on each flight—
- (1) Operational Flight Plan;
 - (2) Aircraft Technical Log;
 - (3) Appropriate NOTAM/AIS briefing documentation;
 - (4) Appropriate meteorological information
 - (5) Passenger and cargo manifests as appropriate for the intended flight.

- (6) The mass and balance document for the aircraft certifying that the load carried is properly distributed and safely secured;
- (7) Notification of special loads including any dangerous goods; and
- (8) Current maps and charts for the area of operation

- (b) The Authority may authorize the information detailed in subparagraph (a) above, or parts thereof, to be presented in a form other than on printed paper provided the information is accessible for inspection.

10.E.400 PRODUCTION OF DOCUMENTATION, MANUALS AND RECORDS

- (a) A foreign air operator shall —

- (1) Give any person authorized by the Authority access to any documents, manuals and records which are related to flight operations and maintenance; and
- (2) Produce all such documents, manuals and records, when requested to do so by the Authority, within a reasonable period of time.

- (b) The pilot in command shall, within a reasonable time of being requested to do so by a person authorised by the Authority, produce to that person the documentation, manuals and records required to be carried on board.

10.E.500 PRESERVATION, PRODUCTION AND USE OF FLIGHT RECORDER RECORDINGS

- (a) Following an accident, incident, in Cape Verde involving an aircraft of a foreign operator, or when the Authority so directs, the foreign operator of an aircraft on which a flight recorder is carried shall preserve the original recorded data for a period of not less than 60 days unless otherwise directed by the authority.

10.F OPERATIONS AND PERFORMANCE

10.F.100 COMPUTATION OF PASSENGER AND BAGGAGE WEIGHTS

- (a) A foreign air operator shall compute the mass of passengers and checked baggage using —
- (1) The actual weighed mass of each person and the actual weighed mass of baggage; or
 - (2) The standard mass values specified by the foreign Authority.
- (b) The Authority may require a foreign air operator conducting operations in Cape Verde to produce evidence validating any standard mass values used.

10.F.200 SINGLE-ENGINE AEROPLANES AT NIGHT OR IN IMC

- (a) A foreign air operator may not operate a single-engine, non-turbine aircraft —
- (1) At night; or
 - (2) In Instrument Meteorological Conditions except under Special Visual Flight Rules.
- (b) A foreign air operator may operate a single-engine turbine aircraft at night and in IMC conditions provided the State of the Operator has ensured—
- (1) The reliability of the turbine engine;
 - (2) The operator's maintenance procedures, operating practices, flight dispatch procedures and crew training programmes are adequate; and;
 - (3) The aeroplane is appropriately equipped for flight at night and in IMC;
 - (4) For aeroplanes issued a certificate of airworthiness before 1 January 2005—an engine trend monitoring system
 - (5) For aeroplanes issued a certificate of airworthiness after 1 January 2005—an automatic trend monitoring system.

10.F.300 SINGLE PILOT OPERATIONS UNDER IFR OR AT NIGHT

- (a) A foreign air operator shall not operate an aeroplane under IFR or at night by a single pilot unless approved by the State of the Operator and the aeroplane meets the following conditions —
- (1) The flight manual does not require a flight crew of more than one pilot;

- (2) The aeroplane is propeller-driven;
- (3) The maximum approved passenger seating configuration is not more than nine;
- (4) The maximum certificated take-off mass does not exceed 5,700 kg
- (5) The aeroplane is equipped with:
 - (i) A serviceable autopilot that has at least altitude hold and heading select modes;
 - (ii) A headset with a boom microphone or equivalent; and
 - (iii) Means of displaying charts that enables them to be readable in all ambient light conditions

The PIC has satisfied the requirements of experience, training, checking and recency.

10.F.400 FLIGHT RULES WITHIN CAPE VERDE

- (a) Within the territorial boundaries of Cape Verde, foreign air operator shall comply with the flight rules and limitations contained in Part 8.
- (b) Foreign air operators shall ensure that their flight crew have available and have become familiar with the flight rules in Part 8 of this regulation.

10.G FLIGHT CREW MEMBER QUALIFICATIONS

10.G.100 GENERAL

- (a) Foreign air operators shall ensure that their flight crew have the appropriate licences and ratings for the operations to be conducted in Cape Verde.

10.G.200 AGE LIMITATIONS

- (a) Foreign air operators shall ensure that the required PIC engaged in single pilot operations on aircraft operating in Cape Verde shall be less than 60 years of age.
- (b) Foreign air operators shall ensure, for aircraft engaged in operations in Cape Verde requiring more than one pilot as flight crew members, that if one pilot is between the age of 60 and up to age 65, the other pilot shall be less than age 60.

10.G.300 LANGUAGE PROFICIENCY

- (a) As of March 5, 2008, foreign air operators shall ensure that flight crew operating aircraft in Cape Verde meet the language proficiency requirement of least the operational level 4 as contained in ICAO Annex 1 for the English language and that such proficiency is endorsed on the licence.

10.H. SECURITY

10.H.100 AIRCRAFT SECURITY

- (a) A foreign air operator shall —
 - (1) Ensure that all appropriate personnel are familiar, and comply, with the relevant requirements of the national security programs of the State of the operator and the Authority approved security program for the foreign operator;
 - (2) Establish, maintain and conduct approved training programs which enable the operator's personnel to take appropriate action to prevent acts of unlawful interference such as sabotage or unlawful seizure of aircraft and to minimize the consequences of such events should they occur;
 - (3) Following an act of unlawful interference on board an aircraft the commander or, in his absence the operator, shall submit, without delay, a report of such an act to the designated local authority and the Authority in the State of the operator;
 - (4) Ensure that all aircraft carry a checklist of the procedures to be followed for that type in searching for concealed weapons, explosives, or other dangerous devices; and
 - (5) If installed, the flight crew compartment door on all aircraft operated for the purpose of carrying passengers shall be capable of being locked from within the compartment in order to prevent unauthorized access.

10.H.200 UNAUTHORISED CARRIAGE

- (a) A foreign air operator shall take measures to ensure that no persons conceal themselves or cargo on board an aircraft.

10.I. DANGEROUS GOODS

10.I.100 OFFERING DANGEROUS GOODS FOR TRANSPORT BY AIR

- (a) No foreign air operator may accept dangerous goods for transport by air in Cape Verde unless the foreign air operator:
 - (1) Has been authorized to do so by the foreign Authority; and;
 - (2) Has conducted the required personnel training;
- (b) The foreign air operator shall properly classify, document, certify, describe, package, mark, label and put in a fit condition for transport, dangerous goods as required by the operator's dangerous goods program as approved by the foreign Authority.
- (c) The foreign air operator shall state in the operations specifications referred to in 10.B.205 a) 1) whether or not that operator has been authorised to accept dangerous goods by the foreign Authority.
- (d) When the foreign operator has been granted authority to accept dangerous goods, and has an approved dangerous goods program authorised by the foreign Authority, the foreign operator shall file a copy of its dangerous goods program with the Authority.

10.I.200 CARRIAGE OF WEAPONS OF WAR AND MUNITIONS OF WAR

- (a) A foreign air operator conducting commercial air transportation operations to Cape Verde shall:
 - (1) Not transport weapons of war and munitions of war by air unless an approval to do so has been granted by all States concerned.
 - (2) Ensure that weapons of war and munitions of war are:
 - (i) Stowed in the aircraft in a place which is inaccessible to passengers during flight; and
 - (ii) In the case of firearms, unloaded, unless, before the commencement of the flight, an approval has been granted by all States concerned that such weapons of war and munitions of war may be carried in circumstances that differ in part or in total from those indicated in this subparagraph.
 - (3) Ensure that the pilot in command is notified before the flight begins of the details and location on board the aircraft of any weapons of war and munitions of war that are intended to be carried.

10.I.300 CARRIAGE OF SPORTING WEAPONS AND AMMUNITION

- (a) A foreign air operator conducting commercial air transportation operations to Cape Verde shall take all measures necessary to ensure that any sporting weapons intended to be carried by air are reported.
- (b) A foreign air operator accepting the carriage of sporting weapons shall ensure that they are:
 - (1) Stowed in a place on the aircraft which is inaccessible to passengers during flight unless the Authority has determined that compliance is impracticable and has approved other procedures, and
 - (2) In the case of firearms or other weapons that can contain ammunition, unloaded.
- (c) A foreign air operator may allow a passenger to carry ammunition for sporting weapons in passenger's checked baggage, as approved by the Authority. (1)

Conselho de Administração da Agência da Aviação Civil, na Praia, aos 24 de Agosto de 2009. – O Presidente, *Carlos Brazão Monteiro*.

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