

MEMORANDUM OF ARRANGEMENT

1. Delegations representing the aeronautical authorities of New Zealand and the Dominican Republic met in Nassau, The Bahamas, on 6 and 8 December 2016, during the International Air Services Negotiations Conference, to discuss a bilateral Air Services Agreement relating to air services between and beyond their respective territories.
2. The discussions took place in a friendly and cordial atmosphere. The delegation lists are appended as Attachment 1.

Air Services Agreement

3. The delegations discussed and initialled the text of a bilateral Air Services Agreement, appended as Attachment 2, and decided to recommend it to their respective governments for approval and adoption.

Capacity and Traffic rights

4. It was the understanding of the two delegations that the designated airlines of each side will be entitled to perform passenger, cargo and/or mail services, separately or in combination, to/from the territory of the other side, using the freedoms of the air one through six for passenger and combination services, and one through seven for cargo-only services, without limitation as to routes, capacity, frequency or aircraft type.

Interim arrangements

5. Pending the signature and entry into force of the Agreement, the two sides understood that the following will apply.

Authorization

6. The aeronautical authorities of each side may nominate as many airlines as they wish to provide services under this Memorandum of Arrangement. Such nominations will be transmitted to the aeronautical authorities of the other side in writing.
7. On receipt of such a nomination, and of the necessary applications from a nominated airline, in the form and manner prescribed, the aeronautical authority will grant the appropriate authorizations without undue delay, provided that:

(a) In the case of an airline nominated by New Zealand:

- i. the airline is incorporated and has its principal place of business in New Zealand; and

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- ii. New Zealand has and maintains effective regulatory control of the airline

(b) In the case of an airline nominated by the Dominican Republic

- i. the airline is incorporated and has its principal place of business in the Dominican Republic; and
- ii. the Dominican Republic has and maintains effective regulatory control of the airline.

8. The aeronautical authority of either side may withhold, revoke, suspend or limit their authorizations of an airline nominated by the other aeronautical authority, at any time, if the conditions specified in paragraph 7 and 17 of this Memorandum of Arrangement are not met, or if the airline otherwise fails to operate in accordance with the conditions specified in this Memorandum of Arrangement.

Cooperative Marketing Arrangements

9. The nominated airlines of each side will be able to, over all or any part of the routes in paragraphs 15 and 16 below, enter into code share, blocked space or other cooperative marketing arrangements, as the marketing airline, with any other airline or airlines, including airlines of third countries. The operating airlines participating in such arrangements will be required to hold the appropriate authority or authorities to conduct international air transport on the routes or segments concerned.
10. The volume of capacity or service frequencies which may be held out and sold by the nominated airlines of each side, when code sharing as the marketing airline, will not be subject to limitations under this Memorandum of Arrangement.
11. The nominated airlines of each side, when code sharing as the marketing airline, may exercise fifth freedom traffic rights at all points on the Code Share Routes in paragraphs 15 and 16 below. Own-stopover rights may also be exercised.
12. The nominated airlines of each side may market code share services on domestic flights operated within the territory of the other side, provided those services form part of an international itinerary.
13. The nominated airlines of each side will, when holding out international air transport for sale, make it clear to the purchaser at the point of sale which airline will be the operating airline on each sector of the journey and with which airline or airlines the purchaser is entering into a contractual relationship.



14. The aeronautical authorities will allow each nominated airline to determine its own prices for air transport based on commercial considerations.

15. When providing code share services as a marketing airline, the nominated airlines of the Dominican Republic may serve the following Code Share Routes:

<u>Points in the Dominican Republic</u>	<u>Intermediate Points</u>	<u>Points in New Zealand</u>	<u>Beyond Points</u>
Any	Any	Any	Any

16. When providing code share services as a marketing airline, the nominated airlines of New Zealand may serve the following Code Share Routes:

<u>Points in New Zealand</u>	<u>Intermediate Points</u>	<u>Points in the Dominican Republic</u>	<u>Beyond Points</u>
Any	Any	Any	Any

Safety and security

17. The aeronautical authorities recognise that, in code sharing arrangements where a nominated airline of one side provides services as the marketing airline into the territory of the other side but does not operate its own aircraft into the territory of the other side, such an airline need not hold the same safety and security approvals normally required for an operating airline flying its own aircraft into the other side's territory in its own right. The nominated airlines, and the aeronautical authorities as appropriate, will act in conformity with the aviation safety and security provisions set out in the Air Services Agreement.

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Charter Services

18. Each side will, on a reciprocal basis, give prompt approval to conduct charter airline services that have been duly authorized by the other side, in accordance with the respective legislative requirements of each side. The provisions of the Air Services Agreement relating to airline charges, commercial opportunities, laws, regulations and rules, licences and certificates, and aviation safety and security will be applicable to such charter airline services.

SIGNED at Nassau, 8 December 2016.



Sonya van de Geer
Leader
Delegation of New Zealand



Lic. Luis Ernesto Camilo
Leader
Delegation of the Dominican Republic

Delegation of New Zealand

Sonya van de Geer (Leader)

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Member of the Civil Aviation Board
Representative of the Ministry of Tourism

Lic. José Valdez, Miembro JAC,

Legal Director
Member of the Civil Aviation Board
Representative of the Civil Aviation Authority

Lic. Pablo Lister Marín,

Secretary to the Civil Aviation Board

Dra. Bernarda Franco Candelario,

Head of the Air Transport Department
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Lic. Jorge Peña Mendoza,

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