

**AGREED RECORD OF DISCUSSIONS
BETWEEN
THE AERONAUTICAL AUTHORITIES OF THE
PORTUGUESE REPUBLIC AND THE DOMINICAN REPUBLIC**

Delegations representing the Aeronautical Authorities of the Portuguese Republic and of the Dominican Republic met in Nairobi, on the 12th of December 2018, in order to discuss matters related to the Agreement on Air Transport between the Portuguese Republic and the Dominican Republic, initialled in Lisbon, on the 2nd of March 2012.

A list of both delegations is attached as per Attachment A.

The fruitful meeting, which was held in a friendly and cordial atmosphere, reflects the interest of both Aeronautical Authorities in expanding mutual relations in the field of air transport.

The delegations wish to record as follows:

1. Concerning Article 1 "*Definitions*", the Dominican delegation presented a new text for the definition of "Territory" and requested the introduction of a new term - "Sovereignty". The Portuguese delegation informed that it was not in position to accept such proposals unless there is a remission to international law and proposed the following:

"g) The terms "sovereignty" and "territory" shall have the meanings assigned to them, respectively, in Articles 1 and 2 of the Convention."

The Dominican delegation informed that this proposal will be presented to the competent authority.

2. The Dominican delegation referred to Article 6 "*Custom Duties and other charges*", agreed *ad referendum* in 2012, stating that the Dominican Republic legislation does not allow fuel tax exemption and requested the deletion of the term "fuel" from paragraph 2. c).

The Portuguese delegation informed that the Portuguese Civil Aviation Authority is not the competent entity to decide on this matter and will present the proposal to the respective competent authority.

3. Both delegations will, in due time, give feedback to each other on the result of the internal consultations referred above.

4. The Portuguese delegation presented some changes to Article 12 "*Conversion and Transfer of Revenues*" and number 1 of Article 21 "*Settlement of Disputes*". The Dominican delegation accepted the changes in the following terms:



"ARTICLE 12

CONVERSION AND TRANSFER OF REVENUES

1. Each Party grants to the designated airlines of the other Party the right of free transfer at the official rate of exchange, in convertible currencies in which the payment is done, of the excess of receipts over expenditures achieved in connection with the carriage of passengers, baggage, cargo and mail on the agreed services in the territory of and in accordance with the applicable national law in the territory of the Party from which the transfer is made.

2. For the purposes of this Article, the applicable domestic law of the Portuguese Republic includes all measures taken by the European Union."

"ARTICLE 21

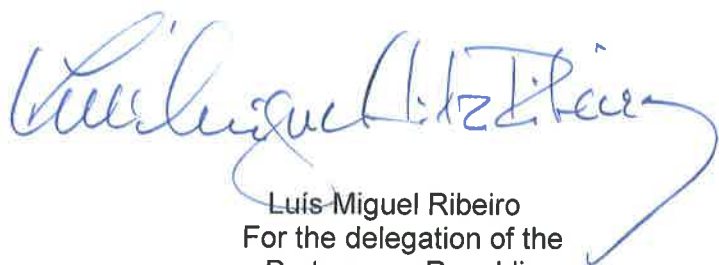
SETTLEMENT OF DISPUTES

1. If any dispute arises between the Parties relating to the interpretation or application of this Agreement, the Parties shall in the first place endeavor to settle it by consultations and negotiation through diplomatic channels."

5. Effective Date

This Agreed Record of Discussions will come into effect as from the date of its signature.

Signed, in Nairobi, on the 12th of December 2018



Luis Miguel Ribeiro
For the delegation of the
Portuguese Republic



Luis Ernesto Camilo Garcia
For the delegation of the
Dominican Republic

THE DELEGATION OF THE
PORTUGUESE REPUBLIC

Head of Delegation

Mr. Luís Ribeiro

Chairman of the Board
Portuguese Civil Aviation Authority

Members

Mrs. Maria Teresa Ferreira

Legal Counsellor - Department of Legal Affairs
Ministry of Foreign Affairs

Mrs. Ana Vieira da Mata

Economic Regulation Direction Coordinator
Portuguese Civil Aviation Authority

Mrs. Fernanda Bandarra da Silva

Head of Market Access Department
Portuguese Civil Aviation Authority

Mrs. Ana Cristina Pais

Market Access Department
Portuguese Civil Aviation Authority

Ms. Marta Marcos

Market Access Department
Portuguese Civil Aviation Authority



THE DELEGATION OF THE
DOMINICAN REPUBLIC

Head of Delegation

Lic. Luis Ernesto Camilo Garcia

President
Civil Aviation Board of the Dominican Republic,
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Members

Dr. Alejandro Herrera Rodriguez

General Director
Dominican Institute of Civil Aviation, IDAC

S.E. Carlos Veras

Ambassador
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Dra. Bernarda Franco Candelario

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