

MEMORANDUM OF UNDERSTANDING

Delegations representing the aeronautical authorities of Switzerland and the Dominican Republic met in Bogotá (Colombia), on 9 December 2021, to discuss and review their bilateral aviation relations and to evaluate new avenues for further developing and liberalizing the air services relations between their two countries.

The list of the two delegations is attached hereto (Attachment I).

In the course of the negotiations, which were held in a very cordial atmosphere reflecting the excellent relations between the two aeronautical authorities, the two delegations discussed the following subjects:

1. MODERNIZATION OF THE AIR SERVICES AGREEMENT

Both delegations agreed on the fact that the Agreement between the Swiss Federal Council and the Government of the Dominican Republic, concluded on 7 December 2000 (hereafter "the Agreement"), would need a modernization. However, due to time constraint, it was not possible to undertake this modernization during ICAN 2021. Both delegations agreed to discuss the modernization of the ASA in 2022, with a view to further liberalize the framework for air services.

2. AMENDMENT OF THE ANNEX

In accordance with the procedure foreseen by Article 19 paragraph 2 of the Agreement, the delegations agreed to add point D to the Annex of the Agreement as follows:

"D.

The designated airlines of the Contracting Parties have the right to operate to points in the territory of the other Contracting Party separately, or in combination on the same flight (use of co-terminals), provided that no traffic rights are exercised except for own stop-over traffic."

3. CODE-SHARING

Both delegations confirmed the implementation of the code-share provision in Article 12 para. 4 of the Agreement as follows:

1. When operating or holding out (i.e. selling transportation under its own code on flights operated by another airline) the agreed services on the specified routes or on any sector of the routes, the airlines of each Contracting Party designated as the operating airline and/or the non-operating (hereinafter referred to as the "marketing") airline, may enter into co-operative marketing arrangements such as blocked space or code sharing with:
 - an airline or airlines of the same Contracting Party;
 - an airline or airlines of the other Contracting Party; and
 - an airline or airlines of third countries. Should such a third Party not authorize or allow comparable arrangements between the airlines of the other Contracting Party and other airlines on services to, from and via such third country, the aeronautical authorities of the concerned Contracting Party have the right not to accept such arrangements.
2. All airlines involved in code-share arrangements shall hold the appropriate route and traffic rights.
3. No fifth freedom rights shall be exercised on code-share services by the marketing airlines.
4. Code-share services shall meet the regulatory requirements normally applied to such operations by the Contracting Parties, such as protection of information to passengers, safety, security, liability and any other requirements generally applied to other airlines operating international traffic.
5. Where selling facilities are available, the marketing airline shall clearly inform passengers at the point of sale of the services, of the airline that will operate each sector of the services.
6. The designated airline of each Contracting Party shall notify the aeronautical authority of the other Contracting Party about the route, frequencies, flight code and reference of the airlines operating on the route within a period of at least thirty (30) days before the start of the operation.

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4. LEASING

Both delegations agreed to give favorable consideration to any request by the designated airlines of either Contracting Parties in respect of wet-lease operations, provided all necessary safety and security requirements are met.

5. NON-SCHEDULED OPERATIONS

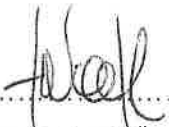
Charter flights and other non-scheduled flights operated by air carriers of one Contracting Party into or from the territory of either Contracting Party are subject to national laws and regulations governing the authorization of charter flights or non-scheduled flights.

6. MISCELLANEOUS

Both delegations agreed that the contents of this Memorandum of Understanding will come into effect as from the date of its signature.

Done at Bogotá, on 9 December 2021.

For the Swiss delegation:



Mr. Laurent NOËL

Deputy Chief Negotiator
Air Services Agreements

For the delegation of the Dominican Republic:



Dr. José Ernesto MARTE PIANTINI

President
Civil Aviation Board

Delegation of Switzerland

Ms. Helena Hallauer Head of Delegation
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Federal Office of Civil Aviation (FOCA)

Mr. Laurent Noël Member
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Delegation of the Dominican Republic

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Civil Aviation Board
Alternate Representative of the Permanent Mission
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Legal Consultant to the Presidency of the Republic
Member of the Civil Aviation Board

Mr. Nasim Antonio Yapor Alba Member
Member of the Civil Aviation Board
President of the Agreements Committee and
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