

MEMORANDUM OF UNDERSTANDING  
BETWEEN THE AERONAUTICAL AUTHORITIES  
OF THE PEOPLE'S REPUBLIC OF CHINA  
AND  
THE DOMINICAN REPUBLIC

Delegations representing the Aeronautical Authorities of the People's Republic of China and the Dominican Republic (hereinafter referred to as the "Delegations") met in Santo Domingo, the Dominican Republic on October 11 and 12, 2018 with a view to concluding an Air Services Agreement (hereinafter referred to as the "ASA") and the establishment of scheduled air services between the two countries. The list of the two Delegations is attached hereto as Appendix I.

The consultations were held in a cordial and friendly atmosphere and the following common understandings were reached:

**I. Air Services Agreement**

1. Both Delegations reached agreement on the text of the ASA, which is initialed and attached hereto as Appendix II.
2. Pending the entry into force of the ASA, the two Delegations came to the understanding that their respective Aeronautical Authorities will act in accordance with the agreed provisions of the initialed ASA, before it is formally signed and enters into force in accordance with Article 22 of the ASA.

**II. Airline Designation and Authorization**

Notwithstanding Article 3 (Airline Designation and Authorization) of the ASA, the Chinese Delegation agreed to give favorable considerations, on a case-by-case basis, to the specific requests of the Dominican Republic to designate an airline provided that the airline is established under the laws of the Dominican Republic and has its main office and domicile in the territory of the Dominican Republic.

### **III. Revocation, Suspension of Authorization or Imposition of Condition**

Notwithstanding Article 4 (Revocation, Suspension of Authorization or Imposition of Condition) of the ASA, both Delegations agreed that, with respect to an airline designated by the Dominican Republic, the aeronautical authority of the People's Republic of China shall have the right to deny and revoke an operating authorization or to suspend the exercise of the rights specified in Article 2 of the ASA, or to impose conditions, temporarily or permanently, as it may deem necessary on the exercise of those rights when the airline is not constituted under the laws of the Dominican Republic, nor has its main office and domicile in the territory of the Dominican Republic.

### **IV. Capacity Entitlements**

Both Delegations agreed that the designated airlines of each Contracting Party shall have the right to operate up to twenty-one (21) weekly frequencies for passenger/combination services and/or all-cargo services with any aircraft type on the routes specified in the Route Schedule annexed to the ASA.

### **V. Fifth Freedom Traffic Rights**

1. Both Delegations agreed that the designated airlines of each Contracting Party shall have the right to operate passenger/combination and/or all-cargo services with fifth freedom traffic rights up to fourteen (14) weekly frequencies in total at any intermediate and/or beyond points to be freely selected by each Contracting Party.
2. The Aeronautical Authority of one Contracting Party shall notify the Aeronautical Authority of the other Contracting Party of the selected intermediate and/or beyond points and their changes in writing at least sixty (60) days prior to their implementation.
3. Both delegations further agreed to give favorable consideration to increase the number of frequencies of the fifth freedom traffic rights if the designated airlines of either Contracting Party so request and have already used up the above fourteen (14) weekly frequencies.

### **VI. Commercial Activities**

1. In operating or holding out the agreed services on the specified routes, any designated airline of one Contracting Party may enter into cooperative marketing arrangements such as code-sharing, blocked-space, with:

- (a) an airline(s) of the same Contracting Party, or
  - (b) an airline(s) of the other Contracting Party; or
  - (c) an airline(s) of a third country, provided that such third country authorizes or allows comparable arrangements between the airlines of the other Contracting Party and other airlines on services to, from and via such third country.
2. All airlines operating or holding out the above-described services must hold the appropriate authority including route rights to operate on the routes and segments concerned and shall meet the requirements normally applied to such arrangements.
  3. When a designated airline performs services under cooperative marketing arrangement as the marketing carrier, the total capacity offered by the airline will not be counted against the capacity entitlement of the Contracting Party designating the airline.
  4. The designated airlines of both Contracting Parties shall, when holding services out for sale, in terms of code share and blocked-space, make it clear to the purchaser at the point of sale which airline will be the operating airline on each sector of the service and with which airline(s) the purchaser is entering into a contractual relationship.
  5. All code-sharing arrangements are subject to approval by the Aeronautical Authorities of both Contracting Parties.

## **VII. Charter Operation**

Airlines of each Party shall have the right to operate passenger and/or cargo charter services between the Dominican Republic and the People's Republic of China in accordance with the relevant rules and regulations of each Party. Each Party shall, subject to reciprocity, respond within the deadlines established by the authorities of the Parties, without delay, requests for charter operations made by airlines that are duly authorized by the other Party.

## **VIII. Aviation Security**

The Delegations discussed Article 14 Aviation Security of the ASA text. The Dominican Delegation stated that the Dominican Republic has adhered to the following Conventions and Protocols: the Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed in Montreal on March 1, 1991; the Convention for the Suppression of Unlawful Acts Relating to International Civil Aviation, held in Beijing on September 10,



2010; the Supplementary Protocol to the Convention for the Suppression of Unlawful Seizure of Aircraft, made in Beijing on September 10, 2010; and the Protocol amending the Convention on Offenses and Certain Other Acts Committed on Board Aircraft, done in Montreal on April 4, 2014. The Dominican side will act in accordance with the provisions of the above Conventions and Protocols within the territory of the Dominican Republic. The Chinese Delegation took note of the Dominican position and expressed that although the Chinese side has not officially acceded to the above Conventions and Protocols yet, the Chinese side will inform the Dominican side after it accedes to any of them. The Delegations reaffirmed that the designated airline(s) of one Party shall comply with the laws and regulations on civil aviation security of the other Party in accordance with Article 5 of the ASA while operating the agreed services between the two countries.

This Memorandum of Understanding enters into force on the date of its signature.

Done at Santo Domingo on October 12, 2018.

**For the Chinese Delegation**

**For the Dominican Republic Delegation**



**Mr. Wang Zhiqing**

**Deputy Administrator**

**Civil Aviation Administration of China**



**Mr. Luis Ernesto Camilo García**

**President**

**Civil Aviation Board of the Dominican  
Republic**

**List of the Chinese Delegation**

**Head of Delegation**

Mr. Wang Zhiqing Deputy Administrator  
Civil Aviation Administration of China (CAAC)

**Members**

Ms. Bai Wenli Deputy Director General  
Department of International Affairs, CAAC

Ms. Xu Qing Deputy Director General  
Department of Air Transport, CAAC

Ms. Tao Yehong Director  
Department of International Affairs, CAAC

Mr. Ding Xiangqun Deputy Director  
Department of General Affairs, CAAC

Ms. Rao Xinyu Vice Chairman, Commercial Committee, Air  
China

Ms. Ye Lin Manager, International Affairs and Cooperation,  
Air China

Ms. Zhang Xi Interpreter, International Affairs and  
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Mr. Wang Gang Vice General Manager  
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Mr. Hou Ming General Manager of New York Office, China  
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Mr. Liu Yuan Director, Government & IATA Affairs,  
International & Corporate Relations, China  
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Mr. Jiang Cheng Translator, China Southern Airlines

## List of the Dominican Republic Delegation

### HEAD OF DELEGATION:

**Mr. Luis Ernesto Camilo Garcia**  
President of the Civil Aviation Board

### DELEGATES:

Mr. Emilio Conde Rubio

Member of the Civil Aviation Board on  
behalf of the Ministry of Foreign Affairs

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