

MEMORANDUM OF CONSULTATIONS

1. In Nairobi, Kenya, on the 14th of December 2018, the delegation of the United States of America and the delegation of the Republic of Colombia met to review various aspects of the commercial air relations between the two countries. The talks were held in a cordial atmosphere, and a list of the two delegations is attached as Annex I to this Memorandum of Consultations ("MOC").
2. In order to modernize and strengthen the aero-commercial relationship between the two countries, the two delegations agreed *ad referendum* on the text of a Protocol of Amendment to the Air Transport Agreement between the Government of the United States of America and the Government of the Republic of Colombia, signed in Bogotá on May 10, 2011 (the "Protocol"), attached as Annex II to this MOC. The delegations expressed their intention to recommend to their Governments the commencement of domestic procedures necessary to sign and bring the Protocol into force.
3. The delegations further expressed the intent of their respective aeronautical authorities to permit operations consistent with the terms of the Protocol on the basis of comity and reciprocity from the date of signature of this MOC until such time as the Protocol enters into force.

For the Delegation of the Republic of
Colombia



JUAN CARLOS SALAZAR GOMEZ
Head of Delegation

For the Delegation of the United States of
America



TERRI L. ROBL
Head of Delegation

DELEGATION OF COLOMBIA

Head of Delegation

Mr. Juan Carlos Salazar

Director General
Civil Aviation Authority of
Colombia

Mr. Lucas Rodriguez Gomez

Head of the Air Transport
Department
Civil Aviation Authority of
Colombia

DELEGATION OF THE UNITED STATES

Head of Delegation

Terri L. Robl

Senior Advisor,
Office of Transportation Affairs,
U.S. Department of Transportation

Brian J. Hedberg

Director,
Office of International Aviation,
U.S. Department of Transportation

John M. Padilla

Attorney-Adviser,
Office of the Legal Adviser,
U.S. Department of State

Nathan S. Halat

International Aviation Officer,
Office of Aviation Negotiations,
U.S. Department of State

Tricia R. Kubrin

Negotiator,
Office of International Aviation,
U.S. Department of Transportation



**PROTOCOL OF AMENDMENT TO THE
AIR TRANSPORT AGREEMENT
BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF THE REPUBLIC OF COLOMBIA**

The Government of the United States of America and the Government of the Republic of Colombia (hereinafter, the "Parties");

Desiring to modernize and strengthen their bilateral aviation relationship, to provide for further charter opportunities, and to expand all-cargo international air transport in order to facilitate increased and more efficient commerce and trade;

Have agreed to amend the Air Transport Agreement between the Government of the United States of America and the Government of the Republic of Colombia, done at Bogota May 10, 2011 (the "Agreement"), as follows:

Article 1

Amendments to Article 2 of the Agreement ("Grant of Rights")

In Article 2 of the Agreement:

1. Paragraph 1, subparagraph (c) shall be deleted and replaced with the following:

(c) the right to perform international air transportation between points on the following routes:

- (i) for airlines of the United States, from points behind the United States via the United States and intermediate points to any point or points in Colombia and beyond: and for all-cargo service, between Colombia and any point or points;

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- (ii) for airlines of Colombia, from points behind Colombia via Colombia and intermediate points to any point or points in the United States and beyond; and for all-cargo service, between the United States and any point or points; and

2. Paragraph 2 shall be deleted and replaced with the following:

- 2. Each airline of a Party may, on any or all flights and at its option:
 - a. operate flights in either or both directions;
 - b. combine different flight numbers within one aircraft operation;
 - c. serve behind, intermediate, and beyond points and points in the territories of the Parties in any combination and in any order;
 - d. omit stops at any point or points;
 - e. transfer traffic from any of its aircraft to any of its other aircraft at any point;
 - f. serve points behind any point in its territory with or without change of aircraft or flight number and hold out and advertise such services to the public as through services;
 - g. make stopovers at any points whether within or outside the territory of either Party;
 - h. carry transit traffic through the other Party's territory; and
 - i. combine traffic on the same aircraft regardless of where such traffic originates;

without directional or geographic limitation and without loss of any right to carry traffic otherwise permissible under this Agreement, provided that, with the exception of all-cargo services, the transportation is part of a service that serves a point in the homeland of the airline.

3. Paragraph 3 shall be deleted and replaced with the following:

- 3. On any segment or segments of the routes above, any airline of a Party may perform international air transportation without any limitation as to

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change, at any point on the route, in type or number of aircraft operated, provided that, with the exception of all-cargo services, in the outbound direction, the transportation beyond such point is a continuation of the transportation from the homeland of the airline and, in the inbound direction, the transportation to the homeland of the airline is a continuation of the transportation from beyond such point.

4. Paragraph 5 shall be deleted and replaced with the following:

5. Any airline of a Party performing charter international air transportation originating in the territory of either Party, whether on a one-way or round-trip basis, shall have the option of complying with the charter laws, regulations, and rules either of its homeland or of the other Party. If a Party applies different rules, regulations, terms, conditions, or limitations to one or more of its airlines, or to airlines of different countries, each airline of the other Party shall be subject to the least restrictive of such criteria. Nothing in this paragraph shall limit the rights of a Party to require airlines of both Parties to adhere to requirements relating to the protection of passenger funds and passenger cancellation and refund rights. Except with respect to the consumer protection rules referred to in this paragraph, neither Party shall require an airline of the other Party, in respect of the carriage of traffic from the territory of that other Party or of a third country on a one-way or round-trip basis, to submit more than a notice that it is complying with the applicable laws, regulations, and rules referred to in this paragraph or of a waiver of these laws, regulations, or rules granted by the applicable aeronautical authorities.

Article 2

Amendment to Article 11 of the Agreement ("Fair Competition")

Paragraph 3 of Article 11 shall be deleted and replaced with the following:

3. Neither Party shall impose on the other Party's airlines a first-refusal requirement, uplift ratio, no-objection fee, or any other requirement with respect to capacity, frequency, or traffic that would be inconsistent with the purposes of this Agreement.

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Article 3

Entry into Force

This agreement shall enter into force on the date of the later note in an exchange of diplomatic notes between the Parties confirming that all internal procedures necessary for entry into force of this agreement have been completed.

IN WITNESS WHEREOF the undersigned, being duly authorized by their Governments, have signed this agreement.

DONE at _____, this _____ day of 20__, in two originals, in the English and Spanish languages, both texts being equally authentic.

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA

FOR THE GOVERNMENT OF THE
REPUBLIC OF COLOMBIA

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