

Memorandum of Understanding

The Federal Ministry for Digital and Transport of the Federal Republic of Germany and the Ministry of Public Works and Transport, the Civil Aviation Technical Council and the Directorate General of Civil Aviation of the Republic of Costa Rica (hereinafter referred to as "sides" or individually as "side") met on the 7th and 10th of December 2021 in Bogotá, Colombia, to discuss different aspects of air transport between the Federal Republic of Germany and the Republic of Costa Rica. Both sides have the common objective of promoting the existing aviation relations between the Federal Republic of Germany and the Republic of Costa Rica and expanding the opportunities for economic development of the airlines.

The atmosphere in which the discussions took place was a pleasant and friendly one, reflecting the relations between the two countries. Lists of delegation members are enclosed as Annex I.

Both sides have the following common understanding regarding the items listed below:

1. Air Transport Agreement

Both sides jointly decided on the text of a new Air Transport Agreement enclosed as Annex II. Since it was not possible to reach agreement on all aspects, the articles 3, 4 and 18 were placed in square brackets.

Both sides will continue exchanging on the outstanding articles by correspondence and will recommend to their respective Governments the signature of the Air Transport Agreement, after the articles in square brackets have been clarified and the necessary national requirements have been met.

2. Designation

In anticipation of the coming into force of a new agreement, the German side states that the Government of the Federal Republic of Germany designates the air carriers

- "Condor Flugdienst GmbH" and



- "Deutsche Lufthansa AG"

for the operation of scheduled international air services between the Federal Republic of Germany and the Republic of Costa Rica.

3. Route schedule

Both sides mutually decide on the joint Route Schedule enclosed (Annex III).

4. Passenger/combined services

Both sides share the opinion that the designated airlines of each side may operate up to a total of fourteen (14) weekly frequencies for passenger/combined services on the routes established in the route schedule. Eight (8) of these fourteen (14) weekly frequencies may be exercised with fifth freedom traffic rights. Seventh freedom traffic right may not be exercised.

In case the ceilings are reached, both sides will consider increasing the frequency allocations.

There should be no restrictions as to the aircraft used and its capacity.

5. All-cargo services

One or more designated airlines of each side may operate up to a total of seven (7) weekly frequencies for all cargo services on the routes established in the route schedule, with third, fourth and fifth freedom traffic rights.

In case the ceilings are reached, both sides will consider increasing the frequency allocations.

There should be no restrictions as to the aircraft used and its capacity.



6. Code-Sharing

Both sides have come to the following understanding with regard to code-sharing:

In operating or offering the authorised services on the specified routes any designated airline of one side may enter into code-sharing arrangements with

- an airline or airlines of the same side,
- an airline or airlines of the other side, or
- an airline or airlines of a third country, provided that such a third country authorises or allows comparable arrangements between the airlines of the other side and other airlines on services to, from and via such a third country,

provided that all airlines in such arrangements

- hold the appropriate authority to operate on the routes and segments concerned, and
- in respect of any ticket sold by it or them, make it clear to the purchaser at the point of sale which airline will actually operate each sector of the service and with which airline or airlines the purchaser is entering into a contractual relationship.

Both sides concur that code-share services of the marketing carrier should not be counted against the bilaterally agreed frequency entitlement.

7. Wet-Lease

Both sides have come to the following understanding with regard to wet-leasing:

Both sides intend to allow any airline designated by the Government of the Federal Republic of Germany or the Government of Costa Rica to operate international air services on the specified routes with aircraft and crews leased from

- an airline or airlines of the same side,
- an airline or airlines of the other side, or
- an airline or airlines of third countries,



provided that all parties involved hold the required authorisations and meet the requirements normally applied by each side according to the laws and regulations applicable to such arrangements.

8. Charter flights

Both sides affirmed the intention of their Aeronautical Authorities to adopt a liberal policy to both passenger and all cargo charter flights based on market demand, principles of fair and equal opportunities and non-discrimination, in accordance with national laws and regulations.

9. Entry into effect

Both sides will apply the provisions of this Memorandum of Understanding as of its signing. This protocol will replace all previous protocols and arrangements.

This Memorandum of Understanding or individual provisions may be terminated by one of the sides at any time. Both sides will endeavour to notify the other side of the termination of the Memorandum of Understanding in writing two IATA flight plan periods in advance.

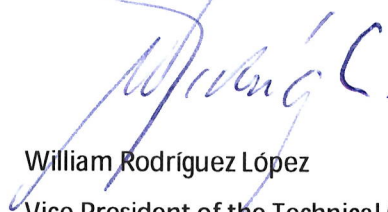
Signed in Bogotá, 10th December 2021

For the Federal Ministry for Digital and
Transport of
the Federal Republic of Germany



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