

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE AERONAUTICAL AUTHORITIES OF
THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
AND
THE REPUBLIC OF COSTA RICA**

1. Delegations representing the aeronautical authorities of the United Kingdom of Great Britain and Northern Ireland ("the UK") and of the Republic of Costa Rica ("Costa Rica") met in Bogotá, Colombia, on 09 December 2021 to discuss the air services arrangements between the two countries. The discussions were held in a friendly and constructive atmosphere. Lists of the delegations are attached at **Annex A**.

THE DRAFT AIR SERVICES AGREEMENT

2. The delegations discussed amendments to the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Costa Rica concerning air services which was initialled in San Jose on 07 March 1997 (the ASA). The delegations decided that, with immediate effect, the following amendment would apply:

DESIGNATION AND AUTHORISATIONS

3. The delegations decided that Articles 4 (Designation and Authorisation of Airlines) and 5 (Revocation or Suspension of Operating Authorisations) of the ASA would be replaced with the revised Articles 4 and 5 set out in **Annex B**.

ALL-CARGO 5th FREEDOM TRAFFIC RIGHTS

4. It was jointly determined in accordance with Section 4 (Traffic Rights) of the MOU of 1997, that the designated airline or airlines of the UK may exercise all-cargo 5th freedom traffic rights between points in Costa Rica and any other intermediate or beyond points without restriction, and vice versa.

5. It was jointly determined in accordance with Section 4 (Traffic Rights) of the MOU of 1997, that the designated airline or airlines of Costa Rica may exercise all-cargo 5th freedom traffic rights between points in the UK and any other intermediate or beyond points without restriction, and vice versa.

NEW AIR SERVICES AGREEMENT

6. Both delegations decided to continue discussions to adopt a completely new UK/Costa Rica bilateral Air Services Agreement. The UK delegation undertook to forward its current model ASA text for consideration by the Costa Rican delegation before the end of December 2021.



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ENTRY INTO OPERATION


7. The delegations decided to recommend to their respective Governments that the necessary amendments to the draft of the ASA of 1997 as set out in **Annex B** of this Memorandum of Understanding.

8. Pending their entry into force, the delegations decided that the amendments to the draft of the ASA of 1997 set out in **Annex B** would be applied on a purely administrative and strictly reciprocal basis within the framework of their respective national laws and regulations, from the date of signature of this Memorandum of Understanding.

9. This Memorandum of Understanding is an addition to the MoU signed in 1997.



**William Rodríguez López, for the
aeronautical authorities of the
Government of Costa Rica**



**Tara Kemsley, for the aeronautical
authorities of the United Kingdom
of Great Britain & Northern Ireland**

Bogotá, 09 December 2021

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ANNEX A

UK Delegation

Tara Kemsley Deputy Chief Air Services Negotiator, Department for Transport

Ella Graham-Goodman Senior Air Services Negotiator, Department for Transport

Costa Rica Delegation

Head of Delegation

Mr. William Rodríguez López Vice President of the Technical Council of Civil Aviation

Delegates

Mr. Luis Miranda Muñoz Deputy Director
Civil Aviation Authority

Mr. Christian Chinchilla Montes Head of Air Transport
Civil Aviation Authority

Mrs. Ana Patricia Gamboa Venegas Air Transport Unit
Civil Aviation Authority



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ARTICLE

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Designation and Authorisation

(1) Each Contracting Party shall have the right to designate airlines for the purpose of operating the agreed services on each of the specified routes and to withdraw or alter such designations. Such designation shall be transmitted to the other Contracting Party in writing.

(2) On receipt of such a designation, and of applications from a designated airline, in the form and manner prescribed for operating authorisations and technical permissions, the other Contracting Party shall grant appropriate authorisations and permissions without delay, provided:

(a) in the case of an airline designated by the United Kingdom:

- (i) it is incorporated and has its principal place of business in the territory of the United Kingdom; and
- (ii) it holds a current Air Operator's Certificate issued by an aeronautical authority of the United Kingdom, and that authority exercises and maintains effective regulatory control of the airline.

(b) in the case of an airline designated by Costa Rica:

- (i) it is incorporated and has its principal place of business in the territory of Costa Rica; and
- (ii) it holds a current Air Operator's Certificate issued by the aeronautical authority of Costa Rica, and that authority exercises and maintains effective regulatory control of the airline.

(c) the designated airline is qualified to meet the conditions prescribed under the laws and regulations normally applied to the operation of international air services by the Contracting Party considering the application or applications.

(3) When an airline has been so designated and authorised, it may begin to operate the agreed services, provided that the airline complies with the applicable provisions of this Agreement.



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Revocation or Suspension of Operating Authorisations

(1) Either Contracting Party may revoke, suspend or limit the operating authorisation or technical permissions of an airline of the other Contracting Party:

(a) where, in the case of an airline designated by the United Kingdom:

- i. it is not incorporated or does not have its principal place of business in the territory of the United Kingdom; or
- ii. it does not hold a current Air Operator's Certificate issued by an aeronautical authority of the United Kingdom, or that authority does not exercise or maintain effective regulatory control of the airline.

(b) where, in the case of an airline designated by Costa Rica:

- i. it is not incorporated or does not have its principal place of business in the territory of Costa Rica; or
- ii. it does not hold a current Air Operator's Certificate issued by the aeronautical authority of Costa Rica, or that authority does not exercise or maintain effective regulatory control of the airline.

(c) if the airline fails to comply with the laws or regulations referred to in Article 6 (Compliance with Laws and Regulations) of this Agreement, or the laws normally and reasonably applied to the operation of international air services by the Contracting Party granting those rights; or

(d) if the airline fails to comply with the provisions of Article 7 (Fair Competition) of this Agreement (and consultations under paragraph (9) of that Article have not achieved a satisfactory resolution); or

(e) in accordance with paragraph 14 of Article 11 (Aviation Security) of this Agreement; or

(f) if the airline or the other Contracting Party otherwise fails to comply with any provision of Article 11 (Aviation Security) of this Agreement; or

(g) if it determines that wider security concerns justify such action; or

(h) if the other Contracting Party fails to take appropriate action to improve safety in accordance with paragraph (2) of Article 12 (Aviation Safety) of this Agreement; or



(i) if it determines that such action is necessary in order to prevent, protect against or control the spread of disease, or otherwise protect public health; or

(j) in accordance with paragraph (6) of Article 11 (Aviation Safety) of this Agreement; or

(k) if the airline otherwise fails to operate in accordance with the conditions prescribed under this Agreement.

(2) Unless immediate revocation, suspension or imposition of the conditions mentioned in paragraph (1) of this Article is essential to prevent further infringements of laws or regulations, such right shall be exercised only after consultation with the other Contracting Party.

(3) Either Contracting Party that exercises the rights under paragraph (1) of this Article shall notify in writing the other Contracting Party as soon as possible of the reasons for the refusal, suspension or limitation of the operating authorisation or technical permission.

(4) In exercising their rights under paragraph (1) of this Article the Contracting Parties shall not discriminate between airlines on the grounds of nationality.



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