

MEMORANDUM OF UNDERSTANDING BETWEEN THE AERONAUTICAL AUTHORITY OF THE REPUBLIC OF THE PHILIPPINES AND THE AERONAUTICAL AUTHORITY OF THE REPUBLIC OF TÜRKIYE

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Aeronautical Authorities of the Republic of the Philippines and the Republic of the Türkiye agreed to the following arrangements for further developing the air services between the two countries:

1. CAPACITY AND FREQUENCY

Designated airline(s) of each Contracting Party will be allowed to operate

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up to fourteen (14) frequencies scheduled passenger services per week on Istanbul-Manila v.v. route using any type of aircraft v.v.

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Designated airlines of Türkiye may only operate seven (7) of fourteen (14) frequencies on co-terminal basis on the Istanbul-Manila-Cebu v.v. route, thus

o

Five (5) may be operated at anytime from the execution of this MOU,

o

Additional two (2) may be operated after continuous operation of the five (5) frequencies for two (2) full IATA schedule seasons.

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up to fourteen (14) frequencies of scheduled passenger services per week between points in Türkiye and the Philippines except Manila for Turkish carriers and between points in the Philippines and Türkiye except Istanbul for the Philippine carriers.

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up to seven (7) frequencies scheduled all-cargo services per week on the specified routes between Türkiye and Philippines using any type of aircraft.

2. CO-TERMINAL RIGHTS

Designated airline(s) of each Contracting Party shall be allowed to exercise co-terminal rights, provided that there shall be no exercise of cabotage rights.

3. CODE SHARING ARRANGEMENTS

The designated airline(s) of either Contracting Party may enter into marketing arrangements such as blocked space, code sharing or other commercial arrangements with:

- a) an airline or airlines of the same Contracting Party;
- b) an airline or airlines of other Contracting Party;
- c) an airline or airlines of a third country

provided that all airlines in the above arrangements hold the appropriate route and traffic rights, and, in respect of each ticket sold, the purchaser is informed at the point of sale which airline will operate each sector of the service.

For third party code share arrangements all airlines in such arrangements are subject to the approval of the aeronautical authorities of both Contracting Parties. Should such a third party not authorize or allow comparable arrangements between the designated 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.

It is the common understanding of both Contracting Parties that code-share services are not counted against the frequency entitlement of the marketing airline.

4. DESIGNATION CLAUSE

In view of the amendment of the Philippine Public Service Act under Republic Act No. 11659, which liberalized key public services by allowing full foreign equity participation in public undertakings including the provision of air transport services, the Philippines has departed from the previous substantial ownership and effective control requirement in the designation of its airlines and now adheres to the principal place of business and effective regulatory control standard for its designated airlines.

Thus, the Philippine Delegation proposed to amend Article 3 of the Philippines – Turkey Air Services Agreement signed on 17 November 2014. The amended text of Article 3 of the Agreement is set out in Attachment II of this MOU.

The Turkish Delegation noted this request and informed that official response will be sent through diplomatic channels.

5. ENTRY INTO FORCE

This Memorandum of Understanding (MoU) shall come into force upon signature of both sides and supersedes the applicable provisions of the MoU dated 10 June 2015.

Signed in Istanbul on the 28th day of March 2023.

For the Aeronautical Authority of the Republic of the Philippines

For the Aeronautical Authority of the Republic of Türkiye

(Sgd.)

Roberto C.O. Lim

Undersecretary

Department of Transportation

(Sgd.)

Prof. Dr. Kemal YÜKSEK

Acting Director General of Civil Aviation

Attachment – I

Delegation of the Aeronautical Authority of the Republic of the Philippines

Undersecretary Roberto C.O. Lim

Department of Transportation

Chairman, Philippine Air Panel

H.E. Maria Elena P. Algabre

Embassy of the Philippines in Türkiye

Executive Director Carmelo L. Arcilla

Civil Aeronautics Board

Vice Chairman, Philippine Air Panel

Undersecretary Shalimar Hofer Tamano

Department of Tourism

Consul General Shirlene C. Mananquil

Philippine Consulate General in Istanbul

Assistant Secretary Mary Jean T. Pacheco

Department of Trade and Industry

Assistant Secretary Enrique Antonio J. Esquivel III

Department of Transportation

OIC- Assistant Secretary Roussel R. Reyes

Department of Foreign Affairs

OIC-Assistant Secretary Warner M. Andrada

Department of Tourism

Deputy Director General Danjun G. Lucas

Civil Aviation Authority of the Philippines

Atty. Eldric Paul A. Peredo

Civil Aeronautics Board

Atty. Jean Marianne A. Bermudez

Civil Aeronautics Board

Third Secretary and Vice Consul Emile Josef B. Garcia

Embassy of the Philippines in Türkiye

Vice Consul Maika Ros B. Fontelera

Philippine Consulate General in Istanbul

Attache Maria Joanna Paula A. Gonzales

Embassy of the Philippines in Türkiye

Observers:

Representative/s from Philippine Airlines

Atty. Michael Jourdan Navarro

Mr. Charlie Yu

Mr. Ramoncito Flavie

Delegation of the Aeronautical Authority of the Republic of Türkiye

Prof. Dr. Kemal YÜKSEK

Head of Delegation, Acting Director General of Civil Aviation

Sedat GÜNES

Acting Head of Air Transport

Ali DOGAN

Aviation Expert

Hakan YAGMUR

Air Transport Officer

Levent KONUKCU

Chief Investment & Technology Officer

Ozlem SALIHOGLU

SVP, International Relations & Alliances

Nazif TIKENBATAR

Manager, International Relations & Agreements

Huzeyfe Akhan

GM, Philippines

Attachment – II

ARTICLE 3

PRINCIPLES GOVERNING THE DESIGNATION OF AIRLINES AND THE REVOCATION AND SUSPENSION OF OPERATING AUTHORIZATION

1.

Each Contracting party shall have the right to designate in writing, through diplomatic channels, to the other Contracting Party one or more airlines to for the purpose of operating the agreed services on the specified routes.

2.

On receipt of such a designation, the other Contracting Party shall, subject to the provisions of paragraphs (3) and (4) of this Article, without unnecessary delay, grant to the airline(s) designated the appropriate operating authorization.

3.

The aeronautical authorities of one Contracting Party may require an airline designated by the other Contracting Party to satisfy them that it is qualified to fulfill the conditions prescribed under the laws and regulations normally

and reasonably applied by them in a manner not inconsistent with the provisions of the Convention to the operation of international commercial air services.

4.

Each Contracting Party shall have the right to refuse to grant the operating authorizations referred to in paragraph (2) of this Article, or to impose such conditions as it may deem necessary on the exercise by a designated airline of the rights specified in Article 2 of this Agreement, in any case where the Contracting Party is not satisfied that:

(a)

in case of the Philippines

i.

The designated airline has its principal place of business and permanent residence in the territory of the Philippines;

ii.

The aeronautical authorities of the Philippines has and maintains effective regulatory control of the airline;

iii.

The designated airline is qualified to meet other conditions prescribed under the laws and regulations normally applied to the operation of international air transport services by the Contracting Party receiving the designation.

iv.

The designated airline is in compliance with Article 12 (Aviation Safety) and Article 13 (Aviation Security) of this Agreement

(b)

in the case of Türkiye

i.

Substantial ownership and effective control of that airline are vested in the Contracting Party designating the airline or in its nationals; and/or

ii.

The designated airlines are in compliance with Article 12(Aviation Safety) and Article13 (Aviation Security) of this Agreement

5.

Subject to the provisions of Article 16 (Applicability of Laws and Regulations) of the present Agreement, and to the statutory powers of the aeronautical authorities of the Contracting Parties, at any time after the provisions of paragraph (1), (2), and (3) of this Article have been complied with, an airline so designated and authorized may begin to operate the agreed services provided that a capacity agreed upon and a tariff established in accordance with the provisions of Article 5 (Tariffs) of this Agreement is in force in respect of that service.

6.

Each Contracting Party shall have the right to suspend the exercise by an airline of the operating authorization

specified in paragraph (2) of this Article or to impose such condition as it may deem necessary on the exercise by an airline of the operating authorization in any case where the Contracting Party is not satisfied that,

a.

The conditions set forth in paragraph (4) of this Article are being observed, or:

b.

In case of failure by that airline to comply with the laws or regulations of the Contracting Party granting the rights; or

c.

In case of failure by that airline to operate in accordance with the conditions prescribed under this Agreement;

Provided that, unless immediate suspension or imposition of conditions is essential to prevent further infringements of laws or regulations, this right shall be exercised only after consultation with the other Contracting Party.

Entry into Force: March 28, 2023

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