BILATERAL

MEMORANDUM OF UNDERSTANDING BETWEEN THE AERONAUTICAL AUTHORITIES OF THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF THE KINGDOM OF SAUDI ARABIA

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The Government of the Republic of the Philippines and the Government of the Kingdom of Saudi Arabia hereinafter referred to collectively as "Parties" and singularly as "Party" held discussions in Manila, Philippines from 24 to 25 September 2012.

Negotiating in a friendly and cordial atmosphere through their respective delegations (Attachment A);

Desiring to further develop the friendly and cooperative relations existing between the two states based or equality and mutual benefit; and

Recognizing the importance of the air transport sector and its contribution to the economic and social development of both states;

Have agreed on the following:

(A) Air Services Agreement (ASA) Text

A new text of a draft Air Services Agreement (ASA) was discussed, agreed and initialed as appears in Attachment (B). The Parties agreed to recommend to their respective Governments the formal signing of the ASA. To that effect, the Parties shall endeavor to complete their respective constitutional procedures as soon as possible for the signing of the ASA.

(B) Designation of Airlines

Each Party shall have the right to designate one or more airlines for the purpose of operating the agreed services on the specified routes.

(C) Route Schedule

The designated airlines of each Party will have the right to operate on the route specified in the Annex to the text of the agreement, which is depicted as follows:

Route 1: Passenger Services

For the designated airlines of the Republic of the Philippines

Point of Origin

Intermediate Point(s)

Point of Destination

Beyond Point(s)

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1A

Points in the Philippines

Any

Points in the Kingdom of Saudi Arabia specified in the Route Schedule except Dammam

Any

1B

Points in the Philippines

Any

Dammam

Any

For the designated airlines of the Kingdom of Saudi Arabia

Point of Origin

Intermediate Point(s)

Point of Destination

Beyond Point(s)

1A

Points in the Kingdom of Saudi Arabia

Any

Points in the Philippines specified in the Route Schedule except Clark

Any

1B

Points in the Kingdom of Saudi Arabia

Any

Dammam

Any

Route 2: All Cargo Services

For the designated airlines of the Republic of the Philippines

Point of Origin

Intermediate Point(s)

Point of Destination

Beyond Point(s)

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2A

Manila

Any

Points in the Kingdom of Saudi Arabia specified in the Route Schedule

Any

2B

Clark

Any

Points in the Kingdom of Saudi Arabia specified in the Route Schedule

Any

For the designated airlines of the Kingdom of Saudi Arabia

Point of Origin

Intermediate Point(s)

Point of Destination

Beyond Point(s)

2A

Points in the Kingdom of Saudi Arabia

Any

Manila

Any

2B

Points in the Kingdom of Saudi Arabia

Any

Clark

Any

The following operating rules are applied to Routes 1 and 2 of the route schedule:

- Any point on the above routes may, at the option of the airline concerned, be omitted on any or all flights provided that any service either begins or terminates in the territory of the country designating the airline.

- Intermediate and beyond point(s) shall be served without fifth freedom traffic rights, unless, in this regard, agreed upon between the two Parties.

(D) Traffic Rights Provisions

The Air Transport operations will be conducted within the third and fourth Freedoms of the Air. Fifth freedom

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can only be exercised by mutual agreement between the Parties. Otherwise, any intermediate or beyond point(s) must be operated on a blind sector base.

(E) Scheduled Entitlement

(a)

Each Party will be entitled to operate up to twenty-one (21) round trip weekly combination passenger/cargo flights on Route LA of the Route Schedule, without any restrictions imposed on aircraft type.

(b)

Each Party will be entitled to operate unlimited combination passenger/cargo flights on Route 13 of the Route Schedule, without any restrictions imposed on aircraft type.

(c)

Each Party will be entitled to operate up to five (5) round trip weekly all-cargo flights on Route 2A and up to two (2) round trip weekly all-cargo flights on Route 2B of the Route Schedule, without any restrictions imposed on aircraft type.

(F) Extra Section (Supplementary) Frequencies

If a designated airline wishes to operate supplementary flights besides those covered in the timetables, it shall request permission from the Aeronautical Authorities of the other Party. Such request shall usually be submitted at least ten (10) working days before operating such flights.

(G) Charter Operations

Subject to obtaining the necessary approvals from the Aeronautical Authorities, airlines (including the designated airlines) of both Parties may operate charter flights between the two states. The charter services should not jeopardize scheduled services on the agreed routes, and must be operated in accordance with the national laws and regulations of both Parties.

(H) Marketing Alliances and code sharing Arrangements

For better utilization of market access and serving the anticipated market demand between the two countries, both Parties agreed to encourage the designated airline(s) of each Party to enter into marketing alliances and arrangements such as code-sharing on both passengers and cargo services. Code sharing operations by the designated airlines of both Parties shall be conducted in conformity with Attachment (C).

(I) Use of Leased Aircraft

The Parties agreed that when a designated airline uses wet leased aircraft on the agreed services such operation shall be conducted in accordance with the provisions of the ASA and an existing MOU, including the traffic rights provisions and scheduled entitlement agreed upon between the two Parties.

(J) Co-Terminal Rights

The Parties agreed to allow their designated airline(s) to co-terminalize between any two points in the territory of the other Party in accordance with the rules and regulations of that other Party.

(K) Equal Opportunity and Hajj Traffic

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Notwithstanding the national rules and regulations governing the carriage of passengers by air, both Parties agree that their respective designated carriers shall have equal opportunity to access all traffic. Hajj traffic shall be shared and be limited to the designated airlines of both Parties.

(L) Fifth Freedom

The Parties agreed to seriously consider fifth freedom traffic rights to and from intermediate and/or beyond points for the airlines of each Party during the next round of consultations which will be held after twelve (12) months from the date hereof.

(M) Entry into Force

This MOU shall enter into force on the date of the last notification through diplomatic notes by either Party to the other Party that it has fulfilled the necessary measures in accordance with its laws and regulations for the entry into force of this MOU. However, this MOU shall have provisional effect beginning 25 September 2012.

The provisions of the ASA of 23 March 1982 and the previously agreed minutes inconsistent with this MOU are hereby deemed amended or superseded.

Done in duplicate on 25 September 2012 in Manila, Philippines.

For the Government of the Republic
of the Philippines

For the Government of the Kingdom of
Saudi Arabia

(Sgd.)
JOSE PERPETOU M. LOTILLA
Head of Delegation

(Sgd.)
MOHAMMAD ALI JAMJOOM
Head of Delegation

Entry into Force: Provisional September 25, 2012

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