

Memorandum of Consultations

Delegations representing the United States of America and the Republic of Guinea met on December 8, 2016, in Nassau, Bahamas, at ICAN 2016 and, through subsequent communications, reached agreement, *ad referendum*, on the text of a bilateral Air Transport Agreement (the "Agreement"). The Agreement will establish a new air transport relationship between the United States of America and the Republic of Guinea. Members of the two delegations are listed in Attachment A.

The delegations initialed the text of the Agreement (Attachment B). The Agreement includes in an Annex transitional provisions relating to ground handling at Conakry-Gbessia International Airport. The Guinea delegation advised that the Government of Guinea has granted exclusive airport ground handling rights to Société de Gestion et d'Exploitation de l'Aéroport de Conakry (SOGEAC). Accordingly, the transitional Annex provides for the right to self-handle to be phased in by December 31, 2023.

Because of the Republic of Guinea's interest in attracting foreign investment in Guinean carriers, the Guinean delegation raised a concern regarding the Agreement's provisions on substantial ownership and effective control. The U.S. delegation noted that ownership and control requirements are integral to U.S. aviation policy. The U.S. Department of Transportation has the authority, however, to waive these requirements with respect to foreign airlines, and has generally done so when all countries involved are implementing an Open Skies agreement with the United States.

During the consultations, the Guinea delegation raised questions regarding traffic rights, as reflected in paragraph 5 of Article 2, and suggested that the provision concerning applicable charter rules be incorporated in the Agreement. The U.S. delegation responded that as a matter of practice, the U.S. does not generally include provisions of regulations in agreements because they are subject to change. The U.S. delegation provided the Guinea delegation with a copy of

current U.S. charter regulations (14 CFR Parts 212 and 380) and expressed its willingness to provide updates to the regulations upon request.

The delegations expressed the intent of their respective aeronautical authorities to permit operations consistent with the terms of the Agreement on the basis of comity and reciprocity, from the date of signature of this Memorandum of Consultations, pending the Agreement's entry into force.

For the United States Delegation:



Date: 29 DEC 2017

Place: WASHINGTON

For the Republic of Guinea
Delegation:



Date: 19 MAR 2018

Place: CONAKRY