

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ



**PROTOCOL
AMENDING THE AGREEMENT
BETWEEN
THE GOVERNMENT OF THE STATE OF QATAR
AND
THE GOVERNMENT OF THE REPUBLIC OF
AZERBAIJAN
FOR AIR SERVICES**

The Government of the State of Qatar and the Government of the Republic of Azerbaijan,

Desiring to grant the designated airlines of both countries additional rights to operate regular flights,

Bearing in mind the principles and recommendations of International Civil Aviation Organization (ICAO) regarding the safety and security of air transport,

Desiring to amend the Agreement between the Government of the Republic of Azerbaijan and the Government of the State of Qatar for Air Services signed at Baku on 28th August 2007 (hereinafter referred to as the "Agreement"), and

Taking into account Article 18 (Amendment) of the said Agreement,

Have agreed as follows:

Article 1

- a) Paragraph 2 of Article 1 of the Agreement shall be replaced by the following text to read:



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" 2. The term "aeronautical authorities" means: in the case of the Government of the State of Qatar, the Minister of Transport and Communications, and any person or body authorized to perform any functions at present exercisable by the said Minister or similar functions, and in the case of the Government of the Republic of Azerbaijan, the State Civil Aviation Administration and any person or body authorized to perform any functions at present exercisable by the said Administration or similar functions. "

b) New paragraph 12 shall be added to Article 1 of the Agreement as follows:

" 12. The term "Agreement" means this Agreement, the Annex attached thereto and any Protocols or similar documents amending this Agreement and/or the Annex. "

Article 2

a) Paragraph 1 of Article 4 of the Agreement shall be replaced to read as follows:

" 1. Each Contracting Party shall have the right to designate in writing to the other Contracting Party an airline or airlines for the purposes of operating the agreed services on the specified routes. "

Article 3

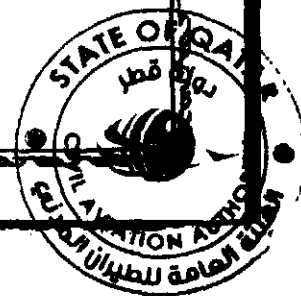
Article 8 of the Agreement shall be replaced to read as follows:

" ARTICLE 8 TARIFFS

1. Each Contracting Party shall allow tariffs for air services to be established by each designated airline based upon commercial considerations in the market place. Neither Contracting Party shall require its airlines to consult other airlines about the tariffs they charge or propose to charge for services covered by this Agreement.

2. Each Contracting Party may require notification or filing of any tariff to be charged by its own designated airline. Neither Contracting Party shall require notification or filing of any tariffs to be charged by the designated airline of the other Contracting Party. Tariffs may remain in effect unless subsequently disapproved under paragraph (5) of this Article.

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3. Intervention by the Contracting Parties shall be limited to:
- a) the protection of consumers from tariffs that are excessive due to the abuse of market power;
 - b) the prevention of tariffs whose application constitutes anti-competitive behaviour which has or is likely to have or is explicitly intended to have the effect of preventing, restricting or distorting competition or excluding a competitor from the route.

4. Each Contracting Party may unilaterally disallow any tariff filed or charged by its own designated airline. However, such intervention shall be made only if it appears to the aeronautical authority of that Contracting Party that a tariff charged or proposed to be charged meets either of the criteria set out in paragraph (3) of this Article.

5. Neither Contracting Party shall take unilateral action to prevent the coming into effect or continuation of a tariff charged or proposed to be charged by the airline of the other Contracting Party. If one Contracting Party believes that any such tariff is inconsistent with the considerations set out in paragraph (3) of this Article, it may request consultations and notify the other Contracting Party of the reasons for its dissatisfaction. These consultations shall be held not later than fourteen (14) days after receipt of the request. Without a mutual agreement the tariff shall take effect or continue in effect. "

Article 4

New Article 9bis shall be added to the Agreement as follows:

" ARTICLE 9bis Approval of Timetable

The designated airline shall submit for approval to the aeronautical authorities of the other Contracting Party the flight timetable including the type of aircraft to be used as well as the capacity. This should be submitted not later than forty-five (45) days prior to the inauguration of the scheduled flights. This requirement shall also apply to later amendments. In special cases, if necessary, the mentioned time limit may be reduced after consultation between the mentioned authorities. "

Article 5

New Article 19bis shall be added to the Agreement as follows:

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**" ARTICLE 19bis
Conformity with Multilateral Conventions**

If a general multilateral air transport convention or agreement comes into force in respect of both Contracting Parties, this Agreement and its Annexes shall be deemed to be amended accordingly. "

Article 6

a) Annex (Route Schedule) to the Agreement shall be read as follows:

" ANNEX 1

Route Schedule

Section 1

Routes to be operated by the designated airline of the State of Qatar:

From	Intermediate Points	To	Beyond Points
Doha	Any points	Points in Azerbaijan	Any points

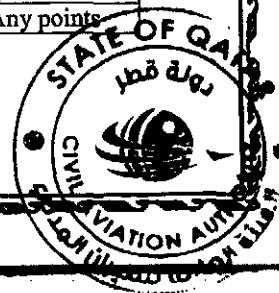
NOTES:

1. The designated airline of the Government of the State of Qatar may, on all or any flights, omit calling at any intermediate and beyond points in this Route Schedule, provided that the agreed services on these routes begin at a point in the State of Qatar.
2. No traffic may be taken on board at intermediate points or points beyond to be discharged in the territory of the Republic of Azerbaijan, or vice versa, except as may from time to time be agreed by the aeronautical authorities of the Contracting Parties.

Section 2

Routes to be operated by the designated airline of the Republic of Azerbaijan:

From	Intermediate Points	To	Beyond Points
Points in Azerbaijan	Any points	Doha	Any points



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NOTES:

1. The designated airline of the Government of the Republic of Azerbaijan may, on all or any flights, omit calling at any intermediate and beyond points in this Route Schedule, provided that the agreed services on these routes begin at a point in the Republic of Azerbaijan.
2. No traffic may be taken on board at intermediate points or points beyond to be discharged in the territory of the State of Qatar, or vice versa, except as may from time to time be agreed by the aeronautical authorities of the Contracting Parties.

Section 3

The designated airlines of both Contracting Parties shall be entitled to operate the passengers' flights with 3rd and 4th freedom traffic rights between Doha-Baku (Baku-Doha) without any limitation in frequencies, capacity or the type of aircraft. "

- b) New Annex (Cooperative Marketing Arrangements) shall be added to the Agreement as follows:

" ANNEX 2

Cooperative Marketing Arrangements

1. In operating or holding out the authorized services on the agreed routes, any designated airline of one Contracting Party may enter into cooperative marketing arrangements such as joint venture, blocked space or code-sharing arrangements with no restrictions or limitations, with:
 - a) an airline or airlines of either Contracting Party;
 - b) an airline or airlines of a third country; and
 - c) a surface transportation provider of any country,provided that all airlines in such arrangements:
 - 1) hold the appropriate authority; and
 - 2) meet the requirements normally applied to such arrangements.
2. The Contracting Parties agree to take the necessary action to ensure that consumers are fully informed and protected with respect to code-shared flights operating to or from their territory and that, as a minimum,



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passengers be provided with the necessary information on a timely basis. "

3. All arrangements with airline or airlines of a third country shall be subject to a previous coordination by the Parties.

Article 7

This Protocol, which shall be an integral part of the Agreement, shall enter into force according to the procedure set out in Article 22 of the Agreement.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Protocol.

Done in duplicate at Doha on "27th" February 2017 in the Arabic, Azerbaijani and English languages, all texts being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

**For
The Government of the
State of Qatar**



**For
The Government of the
Republic of Azerbaijan**



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